

**STATE OF ILLINOIS**



# **HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-FOURTH GENERAL ASSEMBLY**

**122ND LEGISLATIVE DAY**

**WEDNESDAY, APRIL 19, 2006**

**12:00 O'CLOCK NOON**

**HOUSE OF REPRESENTATIVES  
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The House met pursuant to adjournment.

Representative Hannig in the chair.

Prayer by Fred Robinson who is a member of the St. Catherine Drexel Parish Church in Springfield, Illinois.

Representative Gordon led the House in the Pledge of Allegiance.

By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:

99 present. (ROLL CALL 1)

By unanimous consent, Representatives Bassi, Brady, Brosnahan, Daniels, Durkin, Holbrook, Jones, Kosel, Lyons, McGuire, McKeon, Molaro, Osmond, Osterman, Patterson, Pihos, Saviano, Scully and Yarbrough were excused from attendance.

### TEMPORARY COMMITTEE ASSIGNMENTS

Representative Lang will replace Representative Hannig in the Committee on Rules for today only.

### LETTER OF TRANSMITTAL

April 19, 2006

Mark Mahoney  
Chief Clerk of the House  
402 State House  
Springfield, IL 62706

Dear Clerk Mahoney:

Please be advised that I am extending the Final Action Deadline to April 30, 2006, for the following Senate Bills:

**Senate Bills: 490 and 2350.**

If you have questions, please contact my Chief of Staff, Tim Mapes, at 782-6360.

With kindest personal regards, I remain.

Sincerely yours,  
s/Michael J. Madigan  
Speaker of the House

### REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 1 to SENATE BILL 2445.

Amendment No. 3 to SENATE BILL 3086.

The committee roll call vote on the foregoing Legislative Measures is as follows:

3, Yeas; 0, Nays; 0, Answering Present.

Y Currie, Barbara(D), Chairperson

Y Hannig, Gary(D)

Y Black, William(R), Republican Spokesperson

A Hassert, Brent(R)

A Turner,Arthur(D)

That the bill be reported “be approved for consideraion” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 490.

The committee roll call vote on the foregoing Legislative Measures is as follows:

3, Yeas; 0, Nays; 0, Answering Present.

Y Currie,Barbara(D), Chairperson

A Black,William(R), Republican Spokesperson

Y Hannig,Gary(D) (Lang)

A Hassert,Brent(R)

Y Turner,Arthur(D)

### **COMMITTEE ON RULES REFERRALS**

Representative Currie, Chairperson of the Committee on Rules, action taken earlier today, and reported the following legislative measures and/or joint action motions have been assigned as follows:

Elections & Campaign Reform: HOUSE AMENDMENT No. 2 to HOUSE BILL 1969.

Elementary & Secondary Education: SENATE JOINT RESOLUTIONS 66 and 82.

Revenue: SENATE BILL 2350.

State Government Administration: HOUSE RESOLUTION 1188.

Transportation and Motor Vehicles: SENATE JOINT RESOLUTION 83.

### **FISCAL NOTE SUPPLIED**

A Fiscal Note has been supplied for SENATE BILL 1625, as amended.

### **STATE DEBT IMPACT NOTE SUPPLIED**

A State Debt Impact Note has been supplied for SENATE BILL 1625, as amended.

### **REPORTS FROM STANDING COMMITTEES**

Representative Richard Bradley, Chairperson, from the Committee on Personnel and Pensions to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported “recommends be adopted”:

Amendment No. 2 to HOUSE BILL 1813.

Amendment No. 1 to HOUSE BILL 1815.

The committee roll call vote on Amendment No. 2 to House Bill 1813 is as follows:

3, Yeas; 2, Nays; 0, Answering Present.

Y Bradley,Richard(D), Chairperson

Y Colvin,Marlow(D), Vice-Chairperson

N Poe,Raymond(R), Republican Spokesperson

N Brauer,Rich(R)

Y Burke,Daniel(D) (Jakobsson)

The committee roll call vote on Amendment No. 1 to House Bill 1815 is as follows:

5, Yeas; 0, Nays; 0, Answering Present.

Y Bradley,Richard(D), Chairperson

Y Colvin,Marlow(D), Vice-Chairperson

Y Poe,Raymond(R), Republican Spokesperson

Y Brauer,Rich(R)

Y Burke,Daniel(D) (Jakobsson)

Representative Flider, Chairperson, from the Committee on Local Government to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 848.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 94.

That the Floor Amendment be reported “recommends be adopted”:  
Amendment No. 5 to SENATE BILL 2664.

The committee roll call vote on Senate Bill 94 is as follows:  
10, Yeas; 0, Nays; 0, Answering Present.

A Osterman,Harry(D), Chairperson (Chapa LaVia)	Y Flider,Robert(D), Vice-Chairperson
Y Mathias,Sidney(R), Republican Spokesperson	Y Beiser,Daniel(D)
Y Kelly,Robin(D)	Y Moffitt,Donald(R)
Y Ryg,Kathleen(D)	Y Sommer,Keith(R)
Y Tryon,Michael(R)	Y Watson,Jim(R)
Y Younge,Wyvetter(D)	

The committee roll call vote on Senate Bill 848 and Amendment No. 5 to Senate Bill 2664 is as follows:

11, Yeas; 0, Nays; 0, Answering Present.

Y Osterman,Harry(D), Chairperson (Chapa LaVia)	Y Flider,Robert(D), Vice-Chairperson
Y Mathias,Sidney(R), Republican Spokesperson	Y Beiser,Daniel(D)
Y Kelly,Robin(D)	Y Moffitt,Donald(R)
Y Ryg,Kathleen(D)	Y Sommer,Keith(R)
Y Tryon,Michael(R)	Y Watson,Jim(R)
Y Younge,Wyvetter(D)	

Representative Delgado, Chairperson, from the Committee on Human Services to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 927 and 1001.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2328.

That the resolution be reported ”recommends be adopted” and be placed on the House Calendar: SENATE JOINT RESOLUTION 78; HOUSE RESOLUTIONS 1116 and 1150.

The committee roll call vote on Senate Bill 1001 is as follows:  
11, Yeas; 0, Nays; 1, Answering Present.

Y Delgado,William(D), Chairperson	Y Rita,Robert(D), Vice-Chairperson
Y Bellock,Patricia(R), Republican Spokesperson	Y Chavez,Michelle(D)
Y Collins,Annazette(D)	Y Coulson,Elizabeth(R)
Y Cultra,Shane(R)	Y Dunn,Joe(R)
Y Flowers,Mary(D)	Y Howard,Constance(D)
Y Jakobsson,Naomi(D)	P Jenisch,Roger(R)

The committee roll call vote on Senate Joint Resolution 78 is as follows:  
11, Yeas; 0, Nays; 0, Answering Present.

Y Delgado,William(D), Chairperson	Y Rita,Robert(D), Vice-Chairperson
Y Bellock,Patricia(R), Republican Spokesperson	Y Chavez,Michelle(D)
Y Collins,Annazette(D)	Y Coulson,Elizabeth(R)
Y Cultra,Shane(R)	Y Dunn,Joe(R)
A Flowers,Mary(D)	Y Howard,Constance(D)
Y Jakobsson,Naomi(D)	Y Jenisch,Roger(R)

The committee roll call vote on Senate Bills 927, 2328 and House Resolutions 1116 and 1150 is as follows:

12, Yeas; 0, Nays; 0, Answering Present.

Y Delgado, William(D), Chairperson	Y Rita, Robert(D), Vice-Chairperson
Y Bellock, Patricia(R), Republican Spokesperson	Y Chavez, Michelle(D)
Y Collins, Annazette(D)	Y Coulson, Elizabeth(R)
Y Cultra, Shane(R)	Y Dunn, Joe(R)
Y Flowers, Mary(D)	Y Howard, Constance(D)
Y Jakobsson, Naomi(D)	Y Jenisch, Roger(R)

Representative Soto, Chairperson, from the Committee on Labor to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 1 to SENATE BILL 2339.

The committee roll call vote on Amendment No. 1 to Senate Bill 2339 is as follows:

11, Yeas; 1, Nays; 0, Answering Present.

Y McKeon, Larry(D), Chairperson (R. Bradley)	Y Soto, Cynthia(D), Vice-Chairperson
Y Winters, Dave(R), Republican Spokesperson	Y Beaubien, Mark(R)
Y Boland, Mike(D)	A Colvin, Marlow(D)
N Cultra, Shane(R)	Y D'Amico, John(D)
A Davis, William(D)	A Dunn, Joe(R)
A Eddy, Roger(R)	Y Graham, Deborah(D)
A Hoffman, Jay(D) (Delgado)	A Howard, Constance(D)
A Hultgren, Randall(R)	A Jefferson, Charles(D)
Y Parke, Terry(R)	Y Schmitz, Timothy(R)
Y Tenhouse, Art(R)	Y Washington, Eddie(D)

Representative Fritchey, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1144.

That the Motion be reported "recommends be adopted" and placed on the House Calendar:

Motion to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 4715.

The committee roll call vote on Senate Bill 1144 is as follows:

10, Yeas; 0, Nays; 0, Answering Present.

Y Fritchey, John(D), Chairperson	Y Bradley, John(D), Vice-Chairperson
A Hultgren, Randall(R), Republican Spokesperson	A Brosnahan, James(D) (Kelly)
Y Gordon, Careen(D)	Y Hamos, Julie(D)
A Hoffman, Jay(D)	Y Lang, Lou(D)
A Mathias, Sidney(R)	Y Nekritz, Elaine(D)
Y Osmond, JoAnn(R) (Beaubien)	Y Rose, Chapin(R)
Y Sacia, Jim(R)	Y Wait, Ronald(R)

The committee roll call vote on Motion to Concur with Senate Amendment No. 1 to House Bill 4715 is as follows:

13, Yeas; 0, Nays; 0, Answering Present.

Y Fritchey, John(D), Chairperson	Y Bradley, John(D), Vice-Chairperson
Y Hultgren, Randall(R), Republican Spokesperson	Y Brosnahan, James(D)
Y Gordon, Careen(D)	Y Hamos, Julie(D)



A Hoffman,Jay(D)  
 Y Mathias,Sidney(R)  
 Y Osmond,JoAnn(R)  
 Y Sacia,Jim(R)

Y Lang,Lou(D)  
 Y Nekritz,Elaine(D)  
 Y Rose,Chapin(R)  
 Y Wait,Ronald(R)

The committee roll call vote on Motion to Concur with Senate Amendment No. 2 to House Bill 4715 is as follows:

12, Yeas; 0, Nays; 1, Answering Present.

P Fritchey,John(D), Chairperson  
 Y Hultgren,Randall(R), Republican Spokesperson  
 Y Gordon,Careen(D)  
 A Hoffman,Jay(D)  
 Y Mathias,Sidney(R)  
 Y Osmond,JoAnn(R)  
 Y Sacia,Jim(R)

Y Bradley,John(D), Vice-Chairperson  
 Y Brosnahan,James(D)  
 Y Hamos,Julie(D)  
 Y Lang,Lou(D)  
 Y Nekritz,Elaine(D)  
 Y Rose,Chapin(R)  
 Y Wait,Ronald(R)

Representative May, Chairperson, from the Committee on Environmental Health to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 1134.

The committee roll call vote on House Resolution 1134 is as follows:

8, Yeas; 0, Nays; 2, Answering Present.

Y May,Karen(D), Chairperson  
 P Meyer,James(R), Republican Spokesperson  
 P Churchill,Robert(R)  
 Y McCarthy,Kevin(D) (Hamos)  
 A Ryg,Kathleen(D)  
 Y Yarbrough,Karen(D) (Mautino)

Y Younge,Wyvetter(D), Vice-Chairperson  
 Y Brauer,Rich(R) (Winters)  
 Y Feigenholtz,Sara(D) (Nekritz)  
 Y Parke,Terry(R)  
 Y Tryon,Michael(R)

Representative Ryg, Chairperson, from the Committee on Developmental Disabilities and Mental Illness to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted": Amendment No. 3 to SENATE BILL 998.

The committee roll call vote on Amendment No. 3 to Senate Bill 998 is as follows:

5, Yeas; 1, Nays; 0, Answering Present.

A Daniels,Lee(R), Chairperson  
 N Churchill,Robert(R), Republican Spokesperson  
 Y Chapa LaVia,Linda(D)  
 Y Hultgren,Randall(R)

Y Ryg,Kathleen(D), Vice-Chairperson  
 Y Bellock,Patricia(R)  
 Y Golar,Esther(D)

Representative McCarthy, Chairperson, from the Committee on Higher Education to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 1101 and 1121; HOUSE JOINT RESOLUTION 122.

That the Motion be reported "recommends be adopted" and placed on the House Calendar: Motion to concur with Senate Amendment No. 1 to HOUSE BILL 4339.

The committee roll call vote on Motion to Concur with Senate Amendment No. 1 to House Bill 4339 is as follows:

7, Yeas; 5, Nays; 0, Answering Present.

Y McCarthy, Kevin(D), Chairperson  
 N Bost, Mike(R), Republican Spokesperson  
 A Black, William(R)  
 Y Brosnahan, James(D) (Collins)  
 N Eddy, Roger(R)  
 Y Miller, David(D)  
 N Pritchard, Robert(R)

Y Jakobsson, Naomi(D), Vice-Chairperson  
 Y Beiser, Daniel(D) (Flowers)  
 N Brady, Dan(R) (Watson)  
 Y Chavez, Michelle(D)  
 Y Howard, Constance(D)  
 N Poe, Raymond(R)

The committee roll call vote on House Joint Resolution 122 and House Resolutions 1101 and 1121 is as follows:

12, Yeas; 0, Nays; 0, Answering Present.

Y McCarthy, Kevin(D), Chairperson  
 Y Bost, Mike(R), Republican Spokesperson  
 A Black, William(R)  
 Y Brosnahan, James(D) (Collins)  
 Y Eddy, Roger(R)  
 Y Miller, David(D)  
 Y Pritchard, Robert(R)

Y Jakobsson, Naomi(D), Vice-Chairperson  
 Y Beiser, Daniel(D) (Flowers)  
 Y Brady, Dan(R) (Watson)  
 Y Chavez, Michelle(D)  
 Y Howard, Constance(D)  
 Y Poe, Raymond(R)

Representative Mendoza, Chairperson, from the Committee on International Trade & Commerce to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: SENATE JOINT RESOLUTION 74.

That the resolution be reported "recommends be adopted as amended" and be placed on the House Calendar: HOUSE RESOLUTION 1113.

The committee roll call vote on Senate Joint Resolution 74 is as follows:

12, Yeas; 0, Nays; 0, Answering Present.

Y Mendoza, Susana(D), Chairperson  
 A Sommer, Keith(R), Republican Spokesperson  
 A Bellock, Patricia(R)  
 Y Bradley, John(D) (Turner)  
 A Davis, William(D)  
 Y Durkin, Jim(R) (Froelich)  
 Y Hultgren, Randall(R)  
 Y Krause, Carolyn(R)  
 Y Reis, David(R)

Y Franks, Jack(D), Vice-Chairperson  
 Y Acevedo, Edward(D)  
 Y Berrios, Maria(D)  
 Y Chapa LaVia, Linda(D)  
 Y Dugan, Lisa(D) (R. Bradley)  
 A Flowers, Mary(D)  
 Y Kelly, Robin(D)  
 A Myers, Richard(R)  
 A Sacia, Jim(R)

The committee roll call vote on House Resolution 1113 is as follows:

13, Yeas; 0, Nays; 0, Answering Present.

Y Mendoza, Susana(D), Chairperson  
 A Sommer, Keith(R), Republican Spokesperson  
 A Bellock, Patricia(R)  
 Y Bradley, John(D) (Turner)  
 A Davis, William(D)  
 Y Durkin, Jim(R) (Froelich)  
 Y Hultgren, Randall(R)  
 Y Krause, Carolyn(R)  
 Y Reis, David(R)

Y Franks, Jack(D), Vice-Chairperson  
 Y Acevedo, Edward(D)  
 Y Berrios, Maria(D)  
 Y Chapa LaVia, Linda(D)  
 Y Dugan, Lisa(D) (R. Bradley)  
 Y Flowers, Mary(D)  
 Y Kelly, Robin(D)  
 A Myers, Richard(R)  
 A Sacia, Jim(R)

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 946 and 1520.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 185 and 2330.

The committee roll call vote on Senate Bill 946 is as follows:

11, Yeas; 1, Nays; 0, Answering Present.

Y Burke, Daniel(D), Chairperson	Y Lyons, Joseph(D), Vice-Chairperson (Kelly)
A Kosel, Renee(R), Rep Spokesperson (Stephens)	Y Acevedo, Edward(D)
Y Berrios, Maria(D)	Y Biggins, Bob(R)
Y Bradley, Richard(D) (Rita)	Y Hassert, Brent(R)
N Jones, Lovana(D) (Mautino)	Y McKeon, Larry(D) (Lang)
Y Meyer, James(R)	Y Molaro, Robert(D) (D'Amico)
Y Saviano, Angelo(R) (McAuliffe)	

The committee roll call vote on Senate Bill 1520 is as follows:

8, Yeas; 5, Nays; 0, Answering Present.

Y Burke, Daniel(D), Chairperson	Y Lyons, Joseph(D), Vice-Chairperson (Kelly)
N Kosel, Renee(R), Rep Spokesperson (Stephens)	Y Acevedo, Edward(D)
Y Berrios, Maria(D)	N Biggins, Bob(R)
Y Bradley, Richard(D) (Rita)	N Hassert, Brent(R)
Y Jones, Lovana(D) (Mautino)	Y McKeon, Larry(D) (Lang)
N Meyer, James(R)	Y Molaro, Robert(D) (D'Amico)
N Saviano, Angelo(R) (McAuliffe)	

The committee roll call vote on Senate Bill 185 is as follows:

10, Yeas; 2, Nays; 0, Answering Present.

Y Burke, Daniel(D), Chairperson	Y Lyons, Joseph(D), Vice-Chairperson (Kelly)
A Kosel, Renee(R), Rep Spokesperson (Stephens)	Y Acevedo, Edward(D)
Y Berrios, Maria(D)	Y Biggins, Bob(R)
Y Bradley, Richard(D) (Rita)	N Hassert, Brent(R)
Y Jones, Lovana(D) (Mautino)	Y McKeon, Larry(D) (Lang)
N Meyer, James(R)	Y Molaro, Robert(D) (D'Amico)
Y Saviano, Angelo(R) (McAuliffe)	

The committee roll call vote on Senate Bill 2330 is as follows:

13, Yeas; 0, Nays; 0, Answering Present.

Y Burke, Daniel(D), Chairperson	Y Lyons, Joseph(D), Vice-Chairperson (Kelly)
Y Kosel, Renee(R), Rep Spokesperson (Stephens)	Y Acevedo, Edward(D)
Y Berrios, Maria(D)	Y Biggins, Bob(R)
Y Bradley, Richard(D) (Rita)	Y Hassert, Brent(R)
Y Jones, Lovana(D) (Mautino)	Y McKeon, Larry(D) (Lang)
Y Meyer, James(R)	Y Molaro, Robert(D) (D'Amico)
Y Saviano, Angelo(R) (McAuliffe)	

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 1073, 1129, 1146 and 1158.

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 585 and 623.

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 304.

That the Floor Amendment be reported “recommends be adopted”:  
Amendment No. 2 to SENATE BILL 14.

The committee roll call vote on Senate Bill 304 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Franks,Jack(D), Chairperson (Hoffman)	Y Dugan,Lisa(D), Vice-Chairperson
Y Stephens,Ron(R), Republican Spokesperson	Y Bradley,John(D)
Y Chavez,Michelle(D)	Y Collins,Annazette(D) (Currie)
Y Mitchell,Bill(R)	Y Myers,Richard(R)
Y Ramey,Harry(R)	

The committee roll call vote on House Resolutions 1073, 1129 and 1146 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Franks,Jack(D), Chairperson	Y Dugan,Lisa(D), Vice-Chairperson
Y Stephens,Ron(R), Republican Spokesperson	Y Bradley,John(D)
Y Chavez,Michelle(D)	Y Collins,Annazette(D) (Acevedo)
Y Mitchell,Bill(R)	Y Myers,Richard(R)
Y Ramey,Harry(R)	

The committee roll call vote on Senate Bill 623 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Franks,Jack(D), Chairperson	Y Dugan,Lisa(D), Vice-Chairperson
Y Stephens,Ron(R), Republican Spokesperson	Y Bradley,John(D)
Y Chavez,Michelle(D)	Y Collins,Annazette(D) (Smith)
Y Mitchell,Bill(R)	Y Myers,Richard(R)
Y Ramey,Harry(R)	

The committee roll call vote on Senate Bill 585 and House Resolution 1158 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Franks,Jack(D), Chairperson	Y Dugan,Lisa(D), Vice-Chairperson
Y Stephens,Ron(R), Republican Spokesperson	Y Bradley,John(D)
Y Chavez,Michelle(D)	Y Collins,Annazette(D) (Flider)
Y Mitchell,Bill(R)	Y Myers,Richard(R)
Y Ramey,Harry(R)	

The committee roll call vote on Amendment No. 2 to Senate Bill 14 is as follows:

5, Yeas; 4, Nays; 0, Answering Present.

Y Franks,Jack(D), Chairperson (Hoffman)	Y Dugan,Lisa(D), Vice-Chairperson
N Stephens,Ron(R), Republican Spokesperson	Y Bradley,John(D)
Y Chavez,Michelle(D)	Y Collins,Annazette(D)
N Mitchell,Bill(R)	N Myers,Richard(R)
N Ramey,Harry(R)	

Representative Giles, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 857.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 859, 2202, 2795 and 2796.

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE JOINT RESOLUTIONS 118 and 119; HOUSE RESOLUTIONS 1078, 1084, 1085, 1148 and 1185.

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 2 to SENATE BILL 2762.

The committee roll call vote on House Joint Resolutions 118, House Resolution 1078 and Senate Bill 2795 is as follows:

19, Yeas; 0, Nays; 0, Answering Present.

Y Giles,Calvin(D), Chairperson	Y Davis,Monique(D), Vice-Chairperson
Y Mitchell,Jerry(R), Republican Spokesperson	A Bassi,Suzanne(R)
Y Beiser,Daniel(D)	Y Chapa LaVia,Linda(D)
Y Colvin,Marlow(D)	Y Dugan,Lisa(D) (Younge)
Y Eddy,Roger(R)	Y Flider,Robert(D)
Y Joyce,Kevin(D)	Y Miller,David(D)
Y Moffitt,Donald(R)	Y Mulligan,Rosemary(R)
Y Munson,Ruth(R)	Y Osterman,Harry(D) (W. Davis)
A Pihos,Sandra(R)	Y Pritchard,Robert(R)
Y Reis,David(R)	Y Smith,Michael(D)
Y Watson,Jim(R)	

The committee roll call vote on House Joint Resolutions 119 House Resolutions 1084 and 1085 is as follows:

19, Yeas; 0, Nays; 0, Answering Present.

Y Giles,Calvin(D), Chairperson	Y Davis,Monique(D), Vice-Chairperson
Y Mitchell,Jerry(R), Republican Spokesperson	A Bassi,Suzanne(R)
Y Beiser,Daniel(D)	Y Chapa LaVia,Linda(D)
Y Colvin,Marlow(D)	Y Dugan,Lisa(D)
Y Eddy,Roger(R)	Y Flider,Robert(D) (Golar)
Y Joyce,Kevin(D)	Y Miller,David(D)
Y Moffitt,Donald(R)	Y Mulligan,Rosemary(R)
Y Munson,Ruth(R)	Y Osterman,Harry(D) (W. Davis)
A Pihos,Sandra(R)	Y Pritchard,Robert(R)
Y Reis,David(R)	Y Smith,Michael(D)
Y Watson,Jim(R)	

The committee roll call vote on House Resolution 1185 is as follows:

19, Yeas; 0, Nays; 0, Answering Present.

Y Giles,Calvin(D), Chairperson	Y Davis,Monique(D), Vice-Chairperson
Y Mitchell,Jerry(R), Republican Spokesperson	A Bassi,Suzanne(R)
Y Beiser,Daniel(D)	Y Chapa LaVia,Linda(D)
Y Colvin,Marlow(D)	Y Dugan,Lisa(D) (Younge)
Y Eddy,Roger(R)	Y Flider,Robert(D) (Golar)
Y Joyce,Kevin(D)	Y Miller,David(D)
Y Moffitt,Donald(R)	Y Mulligan,Rosemary(R)
Y Munson,Ruth(R)	Y Osterman,Harry(D) (W.Davis)
A Pihos,Sandra(R)	Y Pritchard,Robert(R)
Y Reis,David(R)	Y Smith,Michael(D)
Y Watson,Jim(R)	

The committee roll call vote on Senate Bills 859 and 2202 is as follows:

14, Yeas; 0, Nays; 0, Answering Present.

Y Giles,Calvin(D), Chairperson  
 Y Mitchell,Jerry(R), Republican Spokesperson  
 Y Beiser,Daniel(D) (Soto)  
 A Colvin,Marlow(D)  
 Y Eddy,Roger(R)  
 A Joyce,Kevin(D)  
 A Moffitt,Donald(R)  
 Y Munson,Ruth(R)  
 A Pihos,Sandra(R)  
 Y Reis,David(R)  
 Y Watson,Jim(R)

A Davis,Monique(D), Vice-Chairperson  
 A Bassi,Suzanne(R)  
 Y Chapa LaVia,Linda(D)  
 Y Dugan,Lisa(D)  
 Y Flider,Robert(D) (W. Davis)  
 Y Miller,David(D)  
 A Mulligan,Rosemary(R)  
 Y Osterman,Harry(D) (Golar)  
 Y Pritchard,Robert(R)  
 Y Smith,Michael(D)

The committee roll call vote on Senate Bill 857 is as follows:

12, Yeas; 0, Nays; 0, Answering Present.

Y Giles,Calvin(D), Chairperson  
 Y Mitchell,Jerry(R), Republican Spokesperson  
 A Beiser,Daniel(D)  
 A Colvin,Marlow(D)  
 Y Eddy,Roger(R)  
 A Joyce,Kevin(D)  
 A Moffitt,Donald(R)  
 Y Munson,Ruth(R)  
 A Pihos,Sandra(R)  
 Y Reis,David(R)  
 A Watson,Jim(R)

A Davis,Monique(D), Vice-Chairperson  
 A Bassi,Suzanne(R)  
 Y Chapa LaVia,Linda(D)  
 Y Dugan,Lisa(D)  
 Y Flider,Robert(D) (W. Davis)  
 Y Miller,David(D)  
 A Mulligan,Rosemary(R)  
 Y Osterman,Harry(D) (Golar)  
 Y Pritchard,Robert(R)  
 Y Smith,Michael(D)

The committee roll call vote on Senate Bill 2796 is as follows:

15, Yeas; 3, Nays; 0, Answering Present.

Y Giles,Calvin(D), Chairperson  
 A Mitchell,Jerry(R), Republican Spokesperson  
 Y Beiser,Daniel(D)  
 Y Colvin,Marlow(D)  
 Y Eddy,Roger(R)  
 N Joyce,Kevin(D)  
 N Moffitt,Donald(R)  
 Y Munson,Ruth(R)  
 A Pihos,Sandra(R)  
 Y Reis,David(R)  
 N Watson,Jim(R)

Y Davis,Monique(D), Vice-Chairperson  
 A Bassi,Suzanne(R)  
 Y Chapa LaVia,Linda(D)  
 Y Dugan,Lisa(D) (Younge)  
 Y Flider,Robert(D)  
 Y Miller,David(D)  
 Y Mulligan,Rosemary(R)  
 Y Osterman,Harry(D) (W. Davis)  
 Y Pritchard,Robert(R)  
 Y Smith,Michael(D)

The committee roll call vote on House Resolution 1148 is as follows:

16, Yeas; 0, Nays; 0, Answering Present.

Y Giles,Calvin(D), Chairperson  
 Y Mitchell,Jerry(R), Republican Spokesperson  
 Y Beiser,Daniel(D)  
 A Colvin,Marlow(D)  
 Y Eddy,Roger(R)  
 Y Joyce,Kevin(D)  
 Y Moffitt,Donald(R)  
 Y Munson,Ruth(R)  
 A Pihos,Sandra(R)  
 Y Reis,David(R)  
 Y Watson,Jim(R)

A Davis,Monique(D), Vice-Chairperson  
 A Bassi,Suzanne(R)  
 Y Chapa LaVia,Linda(D)  
 Y Dugan,Lisa(D)  
 Y Flider,Robert(D)  
 Y Miller,David(D)  
 A Mulligan,Rosemary(R)  
 Y Osterman,Harry(D) (Golar)  
 Y Pritchard,Robert(R)  
 Y Smith,Michael(D)

The committee roll call vote on Amendment No. 2 to Senate Bill 2762 is as follows:  
18, Yeas; 1, Nays; 0, Answering Present.

Y Giles, Calvin(D), Chairperson	N Davis, Monique(D), Vice-Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson	A Bassi, Suzanne(R)
Y Beiser, Daniel(D)	Y Chapa LaVia, Linda(D)
Y Colvin, Marlow(D)	Y Dugan, Lisa(D) (Younge)
Y Eddy, Roger(R)	Y Flider, Robert(D)
Y Joyce, Kevin(D)	Y Miller, David(D)
Y Moffitt, Donald(R)	Y Mulligan, Rosemary(R)
Y Munson, Ruth(R)	Y Osterman, Harry(D) (W. Davis)
A Pihos, Sandra(R)	Y Pritchard, Robert(R)
Y Reis, David(R)	Y Smith, Michael(D)
Y Watson, Jim(R)	

## RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

### HOUSE RESOLUTION 1222

Offered by Representative Mendoza:

WHEREAS, When we think of the world being a better place, we think of how it begins with young children; and

WHEREAS, Children need a safe and loving environment to grow, learn, excel, and be happy; and

WHEREAS, Children have dreams and wishes, and society will do its best to help their dreams come true; and

WHEREAS, Children are brilliant and ingenious in their own way; and

WHEREAS, Society should have an established date to recognize the achievements and value of its children; and

WHEREAS, El Día de los Niños (Children's Day) is celebrated to recognize every single child and acknowledge each of them; and

WHEREAS, By celebrating April 30th, we are making a commitment to children that we will continue to listen, teach, and nurture them; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we commemorate the lives of our children and our future by designating April 30, 2006, as El Día de los Niños (Children's Day).

### HOUSE RESOLUTION 1223

Offered by Representative Washington:

WHEREAS, In order to gather statistics concerning the racial identity of persons stopped for traffic violations, Section 11-212 of the Illinois Vehicle Code was enacted to require every law enforcement agency in the State to compile statistical data relevant to traffic stops, including the race of the person stopped, the location, date, and time of the stop, the reason for the stop, and the name and badge number of the officer; and

WHEREAS, Every law enforcement agency is required to transmit its statistical data to the Department of Transportation by March 1 of 2004, 2005, 2006, and 2007; and

WHEREAS, Some law enforcement agencies are not in compliance with these requirements; and

WHEREAS, The Racial Profiling Prevention and Data Oversight Board was created by law to study data collection strategies, improve data collection methods, and effectuate strategies to eliminate any failure of law enforcement agencies to comply with data collection mandates; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL

ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Racial Profiling Prevention and Data Oversight Board, along with the Office of the Attorney General, to analyze the failure of law enforcement agencies to compile and transmit statistical data relevant to traffic stops as required under Section 11-212 of the Illinois Vehicle Code and develop strategies to ensure compliance; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Racial Profiling Prevention and Data Oversight Board and the Attorney General.

### **AGREED RESOLUTIONS**

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

#### **HOUSE RESOLUTION 1216**

Offered by Representative John Bradley:

WHEREAS, The members of the House of Representatives of the State of Illinois learned with sadness of the death of Dorain O. Fletcher of Marion on Wednesday, April 12, 2006; and

WHEREAS, He was born on February 24, 1929, in Christman to Russell and Alice (Burk) Fletcher; he married Marlene Springer on April 11, 1981, in Marion; she preceded him in death on October 8, 1998; and

WHEREAS, Mr. Fletcher valiantly served his country as a member of the U.S. Army, retiring with the rank of Brigadier General; he often spoke of his time in the service and working with President Lyndon B. Johnson and billionaires H. Ross Perot and Sam Walton; and

WHEREAS, Upon his retirement from the U.S. Army, Mr. Fletcher went to work for the City of Marion as the Director of Economic Development, a position he held for 18 years; he had the utmost respect for the community and the respect of many local businesses; and

WHEREAS, He was instrumental in local development projects in the city of Marion and was committed to enhancing the quality of life for those who lived in Marion; and

WHEREAS, Mr. Fletcher was known for his strength of conviction and strong sense of loyalty; and

WHEREAS, He was a member of the Marion Eagles, the Williamson County Shrine Club, the Masonic Lodge, and the Order of the White Shrine; he was a member of Cedar Grove United Methodist Church in Marion; and

WHEREAS, The passing of Dorain O. Fletcher has been deeply felt by many, especially his granddaughters, Sabrina and husband Aaron Cantrell and Holly McGlacken; his great-grandchild, Patrick Cantrell; and his dear friend and pastor, John and Wanda Clark; in addition to his wife, he was preceded in death by his parents; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Dorain O. Fletcher, and we extend our deepest sympathy to his family, friends, and all who knew and loved him; and be it further

RESOLVED, That a suitable copy of this resolution be presented to his family as an expression of our sincerest condolences.

#### **HOUSE RESOLUTION 1217**

Offered by Representative Stephens:

WHEREAS, The Triad High School varsity cheerleaders recently won the IHSA State Cheerleading Championship and the Illinois Cheerleading Coaches Association (ICCA) State Championship; and

WHEREAS, The team competed in the IHSA Sectional Cheerleading Competition on Saturday, March 4, 2006, and earned the right to compete in the State Competition on March 10-11, 2006, in Bloomington; and

WHEREAS, They first competed in the preliminary round against 25 other teams in the medium varsity division, placing in the top 10, qualifying for the finals held on Saturday, March 11, 2006; and

WHEREAS, In the finals, the team threw a flawless routine, earning the first place trophy and the title of the first IHSA State Cheerleading Champions ever; and

WHEREAS, On Sunday, March, 12, 2006, the team competed in the ICCA Championship Cheerleading



competition in Springfield, where they also took first place; and

WHEREAS, The Triad High School varsity cheerleaders are led by head coach, Kelly Grapperhaus, and assistant coaches, Annette Mills, Rebecca Severit, and Dave Van deVelde; and

WHEREAS, The members of the varsity squad include Kelsey Adams, Amanda Berg, Amber Bohnenstiehl, Katie Boucher, Kelley Brink, Kate Cange (Captain), Krista Findlay, Dori Fuhler, Meredith Heuiser, Lauren Lacopo, Emily Lynn, Bailey Schneider, Niki Sipole, Emily Smith (Captain), Laura Straube, Ashley Weder, and Chelsea Weider; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Triad High School varsity cheerleaders on winning the IHSA State Cheerleading Championship and the Illinois Cheerleading Coaches Association State Championship; and be it further

RESOLVED, That a suitable copy of this resolution be presented to each of the members and coaches of the varsity cheerleading squad and to Triad High School.

#### HOUSE RESOLUTION 1218

Offered by Representative Miller:

WHEREAS, The members of the House of Representatives of the State of Illinois learned with sadness of the combat death in Iraq of Lance Corporal Philip John Martini of Lansing on Saturday, April 8, 2006; and

WHEREAS, Lance Corporal Martini graduated from Thornton Fractional South High School in 2000; he joined the military in the autumn of 2003 and was a member of the U.S. Marine Corps; he joined the Marines to serve his country and better himself; and

WHEREAS, He was an avid fisherman and really enjoyed a family trip to Canada; he was a very social person, never alone and always with friends and family; and

WHEREAS, The passing of Lance Corporal Philip John Martini has been deeply felt by many, especially his mother, Laura Martini; his father, Philip S. Martini; his brothers, Anthony Martini and James Martini; and his girlfriend, Kristine Thompson; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Lance Corporal Philip John Martini, and we extend our deepest sympathy to his family, friends, and all who knew and loved him; and be it further

RESOLVED, That we honor the memory of Lance Corporal Martini and his willingness to serve his country and fellow man, which led to him making the ultimate sacrifice; and be it further

RESOLVED, That a suitable copy of this resolution be presented to his family as an expression of our sincerest condolences.

#### HOUSE RESOLUTION 1219

Offered by Representative Lang:

WHEREAS, Mr. Harold Berg has been named a recipient of the Thomas and Lois Lloyd Humanitarian Award given by SHORE Community Services, Inc.; and

WHEREAS, Mr. Berg will be honored Saturday, May 6, 2006, at SHORE's annual Spring Benefit; he served as past president of SHORE's Board of Directors and a board member for over 20 years; during that time, Mr. Berg, an attorney, has performed a great amount of legal work for the organization at no cost to the agency; and

WHEREAS, He has also helped the organization in property acquisitions and working with local municipalities; with his assistance, SHORE has opened several community integrated living arrangements (CILAs) in Skokie and Evanston, acquired a building in Morton Grove for its training center, and acquired a permanent location for its office center in Skokie; and

WHEREAS, His latest efforts have been centered around helping SHORE acquire the building that houses its re-sale shop, the Second Time Around Thrift and Gift Shop in Skokie; the building has a second store that is currently being remodeled and will become an independent site for SHORE's Early Childhood

Intervention Center; and

WHEREAS, The Thomas and Lois Lloyd Humanitarian Award, named in honor of SHORE's founders, will be presented to Mr. Berg at an event that will also recognize SHORE's 55th Anniversary of serving individuals with developmental disabilities in the North Suburban Chicagoland area; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Mr. Harold Berg on being a recipient of the Thomas and Lois Lloyd Humanitarian Award, and we recognize him for his generosity and the countless hours he has spent serving others through his volunteer work at SHORE; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Mr. Berg as an expression of our esteem and gratitude.

#### HOUSE RESOLUTION 1220

Offered by Representative Dunkin:

WHEREAS, On April 20-23, 2006, Phi Beta Sigma Fraternity, Inc., will host its Great Lakes Regional Conference at the Holiday Inn Chicago Mart Plaza in downtown Chicago; and

WHEREAS, The Phi Beta Sigma Fraternity was founded at Howard University in Washington, D.C., on January 9, 1914, by three young, African-American, male students, celebrated as the Honorable A. Langston Taylor, Honorable Leonard F. Morse, and the Honorable Charles I. Brown; and

WHEREAS, From its inception, the Founders conceived Phi Beta Sigma as a mechanism to deliver services to the general community, rather than gaining skills to be utilized exclusively for themselves and their immediate families; this deep conviction is mirrored in the Fraternity's motto, "Culture For Service and Service For Humanity"; and

WHEREAS, Phi Beta Sigma is the only historically African-American fraternity to be constitutionally bound to a sorority, enjoying and fostering a mutually supportive relationship with the women of Zeta Phi Beta Sorority, Inc.; and

WHEREAS, Phi Beta Sigma has from its very beginning concerned itself with improving the general well-being of minority groups and demonstrates this through partnerships with the March of Dimes, the American Cancer Society, the Thurgood Marshall Scholarship Fund, the National Marrow Donor Program, American Diabetes Research, and St. Jude's Children Research Hospital; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize Phi Beta Sigma Fraternity, Inc., on the occasion of its Great Lakes Regional Conference, and we wish the attendees well; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Phi Beta Sigma Fraternity, Inc., as an expression of our esteem and best wishes for a successful conference.

#### HOUSE RESOLUTION 1221

Offered by Representative Joyce:

WHEREAS, Frank J. Manna, band director at Marist Catholic High School in Chicago, is retiring after 42 years at Marist and other part-time jobs directing band at other schools; and

WHEREAS, Mr. Manna graduated from Leo Catholic High School in 1954; he served eight years as a member of the Army National Guard; he married his wife, Betty, in 1958 and graduated from DePaul University in 1960; he and Betty are the parents of six girls and two trumpet-playing Marist bandsmen, Frank Jr. and Michael; and

WHEREAS, He first worked as Leo High School's Glee Club director and assistant band director at Brother Rice and was hired by the Marist brothers to teach at their new Southwest Side school in 1964; he eventually expanded beyond Marist, teaching concert band at Quigley South High School and at several Catholic elementary schools; he also ran the Imperial Youth Band, a now-defunct spring and summer band program for high schoolers and eighth-graders; and

WHEREAS, Mr. Manna has led the Marist band in many national parades, including the Annual Rose Bowl Parade in Pasadena, California; and

WHEREAS, Mr. Manna composed the Marist High School fight song, and his wife, Betty, wrote the

lyrics; for 42 years, he has shaped the lives of young men, and now women, at Marist Catholic High School; his leadership and powerful voice will be missed; and

WHEREAS, As the Marist Fight Song claims, Mr. Manna has been bold and brave and has brought honor, glory, and fame to Marist Catholic High School for 42 years; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Mr. Frank J. Manna on the occasion of his retirement; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Mr. Manna as an expression of our deep respect and esteem and with best wishes for a relaxing retirement.

### **CONCURRENCES AND NON-CONCURRENCES IN SENATE AMENDMENTS TO HOUSE BILLS**

Senate Amendment No. 3 to HOUSE BILL 4357, having been printed, was taken up for consideration.

Representative Lindner moved that the House concur with the Senate in the adoption of Senate Amendment No. 3.

And on that motion, a vote was taken resulting as follows:

98, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 2)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 3 to HOUSE BILL 4357.

Ordered that the Clerk inform the Senate.

### **SENATE BILLS ON SECOND READING**

Having been printed, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 624, 680, 837, 916, 1088 and 1089.

Having been read by title a second time on May 19, 2005 and held, the following bill was taken up and held on the order of Second Reading: SENATE BILL 1863.

SENATE BILL 2445. Having been recalled on April 18, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Feigenholtz offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 2445 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-11 as follows:

(235 ILCS 5/6-11) (from Ch. 43, par. 127)

Sec. 6-11. Sale near churches, schools, and hospitals.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods baked on the premises if (i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant

costs at least \$1,000,000 to construct, (iii) the licensee is the titleholder to the premises and resides on the premises, and (iv) the construction of the restaurant is completed within 18 months of the effective date of this amendatory Act of 1998.

(c) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant, (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and (3) the restaurant is located 75 or more feet from a school.

(d) In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, or in a grocery store having a minimum of 31,000 square feet of floor space in a single story building located a distance of more than 90 feet but less than 100 feet from a high school that opened in 1928 as a junior high school and became a senior high school in 1933, and in each of these cases if the sale of alcoholic liquors is not the principal business carried on by the licensee.

For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

(e) Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(f) Nothing in this Section shall prohibit a church or church affiliated school located in a home rule municipality or in a municipality with 75,000 or more inhabitants from locating within 100 feet of a property for which there is a preexisting license to sell alcoholic liquor at retail. In these instances, the local zoning authority may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this Section shall not apply to that church or church affiliated school and future retail liquor licenses.

(g) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at premises within 100 feet, but not less than 90 feet, of a public school if (1) the premises have been continuously licensed to sell alcoholic liquor for a period of at least 50 years, (2) the premises are located in a municipality having a population of over 500,000 inhabitants, (3) the licensee is an individual who is a member of a family that has held the previous 3 licenses for that location for more than 25 years, (4) the principal of the school and the alderman of the ward in which the school is located have delivered a written statement to the local liquor control commissioner stating that they do not object to the issuance of a license under this subsection (g), and (5) the local liquor control commissioner has received the written consent of a majority of the registered voters who live within 200 feet of the premises.

(h) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an outdoor patio area attached to premises that are located in a municipality with a population in excess of 300,000 inhabitants and that are within 100 feet of a church if:

- (1) the sale of alcoholic liquor at the premises is incidental to the sale of food,
- (2) the sale of liquor is not the principal business carried on by the licensee at the premises,
- (3) the premises are less than 1,000 square feet,
- (4) the premises are owned by the University of Illinois,
- (5) the premises are immediately adjacent to property owned by a church and are not less than 20 nor more than 40 feet from the church space used for worship services, and
- (6) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing.

(i) ~~(h)~~ Notwithstanding any provision in this Section to the contrary, nothing in this Section

shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 300,000 inhabitants and is within 100 feet of a church, synagogue, or other place of worship if:

(1) the primary entrance of the premises and the primary entrance of the church, synagogue, or other place of worship are at least 100 feet apart, on parallel streets, and separated by an alley; and

(2) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(j) ~~(h)~~ Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at a theater that is within 100 feet of a church if (1) the church owns the theater, (2) the church leases the theater to one or more entities, and (3) the theater is used by at least 5 different not-for-profit theater groups.

(k) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 and is within 100 feet of a school if:

(1) the primary entrance of the premises and the primary entrance of the school are parallel, on different streets, and separated by an alley;

(2) the southeast corner of the premises are at least 350 feet from the southwest corner of the school;

(3) the school was built in 1978;

(4) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(6) the applicant is the owner of the restaurant and has held a valid license authorizing the sale of alcoholic liquor for the business to be conducted on the premises at a different location for more than 7 years; and

(7) the premises is at least 2,300 square feet and sits on a lot that is between 6,100 and 6,150 square feet.

(Source: P.A. 92-720, eff. 7-25-02; 92-813, eff. 8-21-02; 93-687, eff. 7-8-04; 93-688, eff. 7-8-04; 93-780, eff. 1-1-05; revised 10-14-04.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was again advanced to the order of Third Reading.

SENATE BILL 2726. Having been read by title a second time on April 18, 2006, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

### SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Chapa LaVia, SENATE BILL 2726 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 99, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 3)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

**SENATE BILL ON SECOND READING**

SENATE BILL 3086. Having been recalled on April 18, 2006, and held on the order of Second Reading, the same was again taken up.

Representative John Bradley offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend Senate Bill 3086, AS AMENDED, by replacing all of Section 1-1-5 with the following:

"Section 1-1-5. Definitions. As used in this Act, except with respect to the acquisition or damaging of property authorized under the O'Hare Modernization Act:

"Acquisition of property", unless the context otherwise requires, includes the acquisition, damaging, or use of property or any right to or interest in property.

"Blighted area", "blight", and "blighted" have the same meanings as under the applicable statute authorizing the condemning authority to exercise the power of eminent domain or, if those terms have no defined meaning under the applicable statute, then the same meanings as under Section 11-74.4-3 of the Illinois Municipal Code.

"Condemning authority" means the State or any unit of local government, school district, or other entity authorized to exercise the power of eminent domain."; and

by replacing all of Section 5-5-5 with the following:

"Section 5-5-5. Exercise of the power of eminent domain; public use; blight.

(a) In addition to all other limitations and requirements, a condemning authority may not take or damage property by the exercise of the power of eminent domain unless it is for a public use, as set forth in this Section.

(a-5) Subsections (b), (c), (d), (e), and (f) of this Section do not apply to the acquisition of property under the O'Hare Modernization Act. A condemning authority may exercise the power of eminent domain for the acquisition or damaging of property under the O'Hare Modernization Act as provided for by law in effect prior to the effective date of this Act.

(a-10) Subsections (b), (c), (d), (e), and (f) of this Section do not apply to the acquisition or damaging of property in furtherance of the goals and objectives of an existing tax increment allocation redevelopment plan. A condemning authority may exercise the power of eminent domain for the acquisition of property in furtherance of an existing tax increment allocation redevelopment plan as provided for by law in effect prior to the effective date of this Act.

As used in this subsection, "existing tax increment allocation redevelopment plan" means a redevelopment plan that was adopted under the Tax Increment Allocation Redevelopment Act (Article 11, Division 74.4 of the Illinois Municipal Code) prior to April 15, 2006 and for which property assembly costs were, before that date, included as a budget line item in the plan or described in the narrative portion of the plan as part of the redevelopment project, but does not include (i) any additional area added to the redevelopment project area on or after April 15, 2006, (ii) any subsequent extension of the completion date of a redevelopment plan beyond the estimated completion date established in that plan prior to April 15, 2006, (iii) any acquisition of property in a conservation area for which the condemnation complaint is filed more than 12 years after the effective date of this Act, or (iv) any acquisition of property in an industrial park conservation area.

As used in this subsection, "conservation area" and "industrial park conservation area" have the same meanings as under Section 11-74.4-3 of the Illinois Municipal Code.

(b) If the exercise of eminent domain authority is to acquire property for public ownership and control, then the condemning authority must prove that (i) the acquisition of the property is necessary for a public purpose and (ii) the acquired property will be owned and controlled by the condemning authority or another governmental entity.

(c) Except when the acquisition is governed by subsection (b) or is primarily for one of the purposes specified in subsection (d), (e), or (f) and the condemning authority elects to proceed under one of those subsections, if the exercise of eminent domain authority is to acquire property for private ownership or control, or both, then the condemning authority must prove by clear and convincing evidence that the acquisition of the property for private ownership or control is (i) primarily for the benefit, use, or enjoyment of the public and (ii) necessary for a public purpose.

An acquisition of property primarily for the purpose of the elimination of blight is rebuttably presumed to be for a public purpose and primarily for the benefit, use, or enjoyment of the public under this subsection.

Any challenge to the existence of blighting factors alleged in a complaint to condemn under this subsection shall be raised within 6 months of the filing date of the complaint to condemn, and if not raised within that time the right to challenge the existence of those blighting factors shall be deemed waived.

Evidence that the Illinois Commerce Commission has granted a certificate or otherwise made a finding of public convenience and necessity for an acquisition of property (or any right or interest in property) for private ownership or control (including, without limitation, an acquisition for which the use of eminent domain is authorized under the Public Utilities Act, the Telephone Company Act, or the Electric Supplier Act) to be used for utility purposes creates a rebuttable presumption that such acquisition of that property (or right or interest in property) is (i) primarily for the benefit, use, or enjoyment of the public and (ii) necessary for a public purpose.

In the case of an acquisition of property (or any right or interest in property) for private ownership or control to be used for utility, pipeline, or railroad purposes for which no certificate or finding of public convenience and necessity by the Illinois Commerce Commission is required, evidence that the acquisition is one for which the use of eminent domain is authorized under one of the following laws creates a rebuttable presumption that the acquisition of that property (or right or interest in property) is (i) primarily for the benefit, use, or enjoyment of the public and (ii) necessary for a public purpose:

- (1) the Public Utilities Act,
- (2) the Telephone Company Act,
- (3) the Electric Supplier Act,
- (4) the Railroad Terminal Authority Act,
- (5) the Grand Avenue Railroad Relocation Authority Act,
- (6) the West Cook Railroad Relocation and Development Authority Act,
- (7) Section 4-505 of the Illinois Highway Code,
- (8) Section 17 or 18 of the Railroad Incorporation Act,
- (9) Section 18c-7501 of the Illinois Vehicle Code.

(d) If the exercise of eminent domain authority is to acquire property for private ownership or control and if the primary basis for the acquisition is the elimination of blight and the condemning authority elects to proceed under this subsection, then the condemning authority must: (i) prove by a preponderance of the evidence that acquisition of the property for private ownership or control is necessary for a public purpose; (ii) prove by a preponderance of the evidence that the property to be acquired is located in an area that is currently designated as a blighted area or conservation area under an applicable statute; (iii) if the existence of blight or blighting factors is challenged in an appropriate motion filed within 6 months after the date of filing of the complaint to condemn, prove by a preponderance of the evidence that the required blighting factors existed in the area so designated (but not necessarily in the particular property to be acquired) at the time of the designation under item (ii) or at any time thereafter; and (iv) prove by a preponderance of the evidence at least one of the following:

(A) that it has entered into an express written agreement in which a private person or entity agrees to undertake a development project within the blighted area that specifically details the reasons for which the property or rights in that property are necessary for the development project;

(B) that the exercise of eminent domain power and the proposed use of the property by the condemning authority are consistent with a regional plan that has been adopted within the past 5 years in accordance with Section 5-14001 of the Counties Code or Section 11-12-6 of the Illinois Municipal Code or with a local land resource management plan adopted under Section 4 of the Local Land Resource Management Planning Act; or

(C) that (1) the acquired property will be used in the development of a project that is consistent with the land uses set forth in a comprehensive redevelopment plan prepared in accordance with the applicable statute authorizing the condemning authority to exercise the power of eminent domain and is consistent with the goals and purposes of that comprehensive redevelopment plan, and (2) an enforceable written agreement, deed restriction, or similar encumbrance has been or will be executed and recorded against the acquired property to assure that the project and the use of the property remain consistent with those land uses, goals, and purposes for a period of at least 40 years, which execution and recording shall be included as a requirement in any final order entered in the condemnation proceeding.

The existence of an ordinance, resolution, or other official act designating an area as blighted is not prima facie evidence of the existence of blight. A finding by the court in a condemnation proceeding that a property or area has not been proven to be blighted does not apply to any other case or undermine the designation of a blighted area or conservation area or the determination of the existence of blight for any other purpose or under any other statute, including without limitation under the Tax Increment Allocation

Redevelopment Act (Article 11, Division 74.4 of the Illinois Municipal Code).

Any challenge to the existence of blighting factors alleged in a complaint to condemn under this subsection shall be raised within 6 months of the filing date of the complaint to condemn, and if not raised within that time the right to challenge the existence of those blighting factors shall be deemed waived.

(e) If the exercise of eminent domain authority is to acquire property for private ownership or control and if the primary purpose of the acquisition is one of the purposes specified in item (iii) of this subsection and the condemning authority elects to proceed under this subsection, then the condemning authority must prove by a preponderance of the evidence that: (i) the acquisition of the property is necessary for a public purpose; (ii) an enforceable written agreement, deed restriction, or similar encumbrance has been or will be executed and recorded against the acquired property to assure that the project and the use of the property remain consistent with the applicable purpose specified in item (iii) of this subsection for a period of at least 40 years, which execution and recording shall be included as a requirement in any final order entered in the condemnation proceeding; and (iii) the acquired property will be one of the following:

- (1) included in the project site for a residential project, or a mixed-use project including residential units, where not less than 20% of the residential units in the project are made available, for at least 15 years, by deed restriction, long-term lease, regulatory agreement, extended use agreement, or a comparable recorded encumbrance, to low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act;
- (2) used primarily for public airport, road, parking, or mass transportation purposes and sold or leased to a private party in a sale-leaseback, lease-leaseback, or similar structured financing;
- (3) owned or used by a public utility or electric cooperative for utility purposes;
- (4) owned or used by a railroad for passenger or freight transportation purposes;
- (5) sold or leased to a private party that operates a water supply, waste water, recycling, waste disposal, waste-to-energy, or similar facility;
- (6) sold or leased to a not-for-profit corporation whose purposes include the preservation of open space, the operation of park space, and similar public purposes;
- (7) used as a library, museum, or related facility, or as infrastructure related to such a facility;
- (8) used by a private party for the operation of a charter school open to the general public; or
- (9) a historic resource, as defined in Section 3 of the Illinois State Agency Historic Resources Preservation Act, a landmark designated as such under a local ordinance, or a contributing structure within a local landmark district listed on the National Register of Historic Places, that is being acquired for purposes of preservation or rehabilitation.

(f) If the exercise of eminent domain authority is to acquire property for public ownership and private control and if the primary purpose of the acquisition is one of the purposes specified in item (iii) of this subsection and the condemning authority elects to proceed under this subsection, then the condemning authority must prove by a preponderance of the evidence that: (i) the acquisition of the property is necessary for a public purpose; (ii) the acquired property will be owned by the condemning authority or another governmental entity; and (iii) the acquired property will be controlled by a private party that operates a business or facility related to the condemning authority's operation of a university, medical district, hospital, exposition or convention center, mass transportation facility, or airport, including, but not limited to, a medical clinic, research and development center, food or commercial concession facility, social service facility, maintenance or storage facility, cargo facility, rental car facility, bus facility, taxi facility, flight kitchen, fixed based operation, parking facility, refueling facility, water supply facility, and railroad tracks and stations.

(g) This Article is a limitation on the exercise of the power of eminent domain, but is not an independent grant of authority to exercise the power of eminent domain."; and by replacing all of Section 10-5-60 with the following:

"(was 735 ILCS 5/7-121)

Section ~~10-5-60~~ ~~7-121~~. Value. Except as to property designated as possessing a special use, the fair cash market value of property in a proceeding in eminent domain shall be the amount of money that ~~which~~ a purchaser, willing, but not obligated, to buy the property, would pay to an owner willing, but not obliged, to sell in a voluntary sale, ~~which~~

For the acquisition or damaging of property under the O'Hare Modernization Act, the amount shall be determined as of the date of filing the complaint to condemn. For the acquisition of other property, the amount of money shall be determined and ascertained as of the date of filing the complaint to condemn.



except that:

(i) in the case of property not being acquired under Article 20 (quick-take), if the trial commences more than 2 years after the date of filing the complaint to condemn, the court may, in the interest of justice and equity, declare a valuation date no sooner than the date of filing the complaint to condemn and no later than the date of commencement of the trial; and

(ii) in the case of property that is being acquired under Article 20 (quick-take), if the trial commences more than 2 years after the date of filing the complaint to condemn, the court may, in the interest of justice and equity, declare a valuation date no sooner than the date of filing the complaint to condemn and no later than the date on which the condemning authority took title to the property.

In the condemnation of property for a public improvement, there shall be excluded from the fair cash market value of the property ~~such amount of money~~ any appreciation in value proximately caused by the ~~such~~ improvement; and any depreciation in value proximately caused by the ~~such~~ improvement. However, such appreciation or depreciation shall not be excluded when ~~where~~ property is condemned for a separate project conceived independently of and subsequent to the original project.

(Source: P.A. 82-280.); and

by replacing all of Section 10-5-62 with the following:

"Section 10-5-62. Relocation costs. Except when federal funds are available for the payment of direct financial assistance to persons displaced by the acquisition of their real property, in all condemnation proceedings for the taking or damaging of real property under the exercise of the power of eminent domain, the condemning authority shall pay to displaced persons reimbursement for their reasonable relocation costs, determined in the same manner as under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended from time to time, and as implemented by regulations promulgated under that Act. This Section does not apply to the acquisition or damaging of property under the O'Hare Modernization Act."; and

by replacing all of Section 10-5-105 with the following:

"Section 10-5-105. Sale of certain property acquired by condemnation.

(a) This Section applies only to property that (i) has been acquired after the effective date of this Act by condemnation or threat of condemnation, (ii) was acquired for public ownership and control by the condemning authority or another public entity, and (iii) has been under the ownership and control of the condemning authority or that other public entity for a total of less than 5 years.

As used in this Section, "threat of condemnation" means that the condemning authority has made an offer to purchase property and has the authority to exercise the power of eminent domain with respect to that property.

(b) Any governmental entity seeking to dispose of property to which this Section applies must dispose of that property in accordance with this Section, unless disposition of that property is otherwise specifically authorized or prohibited by law enacted by the General Assembly before, on, or after the effective date of this Act.

(c) The sale or public auction by the State of property to which this Section applies must be conducted in the manner provided in the State Property Control Act for the disposition of surplus property.

(d) The sale or public auction by a municipality of property to which this Section applies must be conducted in accordance with Section 11-76-4.1 or 11-76-4.2 of the Illinois Municipal Code.

(e) The sale or public auction by any other unit of local government or school district or property to which this Section applies must be conducted in accordance with this subsection (e). The corporate authorities of the the unit of local government or school district, by resolution, may authorize the sale or public auction of the property as surplus public real estate. The value of the real estate shall be determined by a written MAI-certified appraisal or by a written certified appraisal of a State-certified or State-licensed real estate appraiser. The appraisal shall be available for public inspection. The resolution may direct the sale to be conducted by the staff of the unit of local government or school district; by listing with local licensed real estate agencies, in which case the terms of the agent's compensation shall be included in the resolution; or by public auction. The resolution shall be published at the first opportunity following its passage in a newspaper or newspapers published in the county or counties in which the unit of local government or school district is located. The resolution shall also contain pertinent information concerning the size, use, and zoning of the real estate and the terms of sale. The corporate authorities of the unit of local government or school district may accept any contract proposal determined by them to be in the best interest of the unit of local government or school district by a vote of two-thirds of the members of the corporate authority of the unit of local government or school district then holding office, but in no event at a price less than 80% of the appraised value.

(f) This Section does not apply to the acquisition or damaging of property under the O'Hare Modernization Act."; and

by replacing all of Section 10-5-110 with the following:

"Section 10-5-110. Offers of settlement by defendant; attorney's fees and litigation expenses.

(a) This Section applies only to proceedings for the acquisition of property for private ownership or control that are subject to subsection (c), (d), (e), or (f) of Section 5-5-5.

(b) At any time between (i) the close of discovery in accordance with Supreme Court Rule 218(c), as now or hereafter amended, or another date set by the court or agreed to by the parties, and (ii) 14 days before the commencement of trial to determine final just compensation, any defendant may serve upon the plaintiff a written offer setting forth the amount of compensation that the defendant will accept for the taking of that defendant's interest in the property. If the defendant does not make such an offer, the defendant shall not be entitled to the attorney's fees and other reimbursement provided under subsection (e) of this Section.

(c) If, within 10 days after service of the offer, the plaintiff serves written notice upon that defendant that the offer is accepted, then either of those parties may file a copy of the offer and a copy of the notice of acceptance together with proof of service of the notice. The court shall then enter judgment.

(d) An offer that is not accepted within the 10-day period is deemed to be withdrawn and evidence of the offer is not admissible at trial.

(e) If a plaintiff does not accept an offer as provided in subsection (c) and if the final just compensation for the defendant's interest is determined by the trier of fact to be equal to or in excess of the amount of the defendant's last written offer under subsection (b), then the court must order the plaintiff to pay to the defendant that defendant's attorney's fees as calculated under subsection (f) of this Section. The plaintiff shall also pay to the defendant that defendant's reasonable costs and litigation expenses, including, without limitation, expert witness and appraisal fees, incurred after the making of the defendant's last written offer under subsection (b).

(f) Any award of attorney's fees under this Section shall be based solely on the net benefit achieved for the property owner, except that the court may also consider any non-monetary benefits obtained for the property owner through the efforts of the attorney to the extent that the non-monetary benefits are specifically identified by the court and can be quantified by the court with a reasonable degree of certainty. "Net benefit" means the difference, exclusive of interest, between the final judgment or settlement and the last written offer made by the condemning authority before the filing date of the condemnation complaint. The award shall be calculated as follows, subject to the Illinois Rules of Professional Conduct:

- (1) 33% of the net benefit if the net benefit is \$250,000 or less;
- (2) 25% of the net benefit if the net benefit is more than \$250,000 but less than \$1 million; or
- (3) 20% of the net benefit if the net benefit is \$1 million or more.

(g) This Section does not apply to the acquisition of property under the O'Hare Modernization Act.

Section 10-5-115. Eligible costs. Any cost required to be paid by a condemning authority under this Act, including, but not limited to, relocation costs and attorney's fees, shall be deemed a redevelopment project cost or eligible cost under the statute pursuant to which the condemning authority exercised its power of eminent domain, even if those costs are not identified as such as of the effective date of this Act."; and

by replacing all of Section 15-1-5 with the following:

"Section 15-1-5. Grants of power in other statutes; this Act controls. The State of Illinois and its various subdivisions and agencies, and all units of local government, school districts, and other entities, have the powers of condemnation and eminent domain that are (i) expressly provided in this Act or (ii) expressly provided in any other provision of law. Those powers may be exercised, however, only in accordance with this Act. If any power of condemnation or eminent domain that arises under any other provision of law is in conflict with this Act, this Act controls. This Section does not apply to the acquisition or damaging of property under the O'Hare Modernization Act."; and

by replacing all of Section 90-5-5 with the following:

"Section 90-5-5. Applicability. This Act applies only to complaints to condemn that are filed on or after its effective date."; and

by deleting Section 95-5-845; and

by replacing all of Section 99-5-5 with the following:

"Section 99-5-5. Effective date. This Act takes effect on January 1, 2007.".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was adopted and the bill, as amended, was again advanced to the order of Third Reading.

### SENATE BILL ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative John Bradley, SENATE BILL 3086 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:  
85, Yeas; 6, Nays; 8, Answering Present.  
(ROLL CALL 4)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative William Davis, SENATE BILL 2199 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:  
99, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 5)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

### SENATE BILLS ON SECOND READING

SENATE BILL 2185. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and printed:

AMENDMENT NO. 1. Amend Senate Bill 2185 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 10-245 and by adding Division 15 to Article 10 as follows:

(35 ILCS 200/10-245)

Sec. 10-245. Method of valuation of low-income housing projects. Notwithstanding Section 1-55 and except in counties with a population of more than 200,000 that classify property for the purposes of taxation, to determine 33 and one-third percent of the fair cash value of any low-income housing project developed under the Section 515 program or that qualifies for the low-income housing tax credit under Section 42 of the Internal Revenue Code, in assessing the project, local assessment officers must consider the actual or probable net operating income attributable to the property project, using a vacancy rate of not more than 5%, capitalized at normal market rates. The interest rate to be used in developing the normal market value capitalization rate shall be one that reflects the prevailing cost of cash for other types of commercial real estate in the geographic market in which the low-income housing project is located.

(Source: P.A. 93-533, eff. 1-1-04; 93-755, eff. 7-16-04.)

(35 ILCS 200/Art. 10 Div. 15 heading new)

#### DIVISION 15. SUPPORTIVE LIVING FACILITIES

(35 ILCS 200/10-390 new)

Sec. 10-390. Valuation of supportive living facilities.

(a) Notwithstanding Section 1-55, to determine the fair cash value of any supportive living facility

established under Section 5-5.01a of the Illinois Public Aid Code, in assessing the facility, a local assessment officer must use the income capitalization approach when assessing the value of supportive living facilities.

(b) When assessing supportive living facilities, the local assessment officer may not consider the following payments to be income attributable to the property:

(1) payments from Medicaid for services provided to residents of supportive living facilities when such payments constitute income that is attributable to services and not attributable to the real estate; or

(2) payments by a resident of a supportive living facility for services that would be paid by Medicaid if the resident were Medicaid-eligible, when such payments constitute income that is attributable to services and not attributable to real estate."

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

Having been printed, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 1145.

### **ADJOURNMENT RESOLUTION HOUSE JOINT RESOLUTION 124**

Representative Currie offered the following resolution:

**RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN**, that when the House of Representatives adjourns on Wednesday, April 19, 2006, it stands adjourned until Tuesday, April 25, 2006 at 1:00 o'clock p.m.; and when the Senate adjourns on Thursday, April 13, 2006, it stands adjourned until Thursday, April 20, 2006, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, April 25, 2006, in perfunctory session; and when it adjourns on that day, it stands adjourned until Thursday, April 27, 2006, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, May 2, 2006 at 12:00 o'clock noon.

The motion prevailed and the resolution was taken up for immediate consideration.

Representative Currie moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

Ordered that the Clerk inform the Senate and ask their concurrence.

### **AGREED RESOLUTIONS**

HOUSE RESOLUTIONS 1216, 1217, 1219, 1220 and 1221 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the Agreed Resolutions were adopted.

### **RESOLUTIONS**

Having been reported out of the Committee on Judiciary II - Criminal Law on April 10, 2006, HOUSE JOINT RESOLUTION 111 was taken up for consideration.

The following amendment was offered in the Committee on Judiciary II – Criminal Law, adopted and printed:

AMENDMENT NO. 1. Amend House Joint Resolution 111 by replacing line 10 with the following:  
"2007; and be it further

RESOLVED, That the Illinois State Police shall provide staff and administrative support services to the Task Force."

Representative Chapa LaVia moved the adoption of the resolution, as amended.

And on that motion, a vote was taken resulting as follows:

99, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 6)

The motion prevailed and the Resolution was adopted, as amended.

Ordered that the Clerk inform the Senate and ask their concurrence.

Having been reported out of the Committee on Veterans Affairs on April 10, 2006, HOUSE JOINT RESOLUTION 112 was taken up for consideration.

Representative Moffitt moved the adoption of the resolution.

And on that motion, a vote was taken resulting as follows:

98, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 7)

The motion prevailed and the Resolution was adopted.

Ordered that the Clerk inform the Senate and ask their concurrence.

Having been reported out of the Committee on Elementary & Secondary Education on March 16, 2006, HOUSE RESOLUTION 939 was taken up for consideration.

Representative Monique Davis moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

### **DISTRIBUTION OF SUPPLEMENTAL CALENDAR**

Supplemental Calendar No. 1 was distributed to the Members at 1:15 o'clock p.m.

### **SENATE BILLS ON SECOND READING**

Having been printed, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 2310.

SENATE BILL 94. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and printed:

AMENDMENT NO. 1. Amend Senate Bill 94 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Section 5-12012.1 as follows:

(55 ILCS 5/5-12012.1 new)

Sec. 5-12012.1. Actions subject to de novo review; due process.

(a) Any special use, variance, rezoning, or other amendment to a zoning ordinance adopted by the county board of any county, home rule or non-home rule, shall be subject to de novo judicial review as a legislative decision, regardless of whether the process of its adoption is considered administrative for other purposes. Any action seeking the judicial review of such a decision shall be commenced not later than 90 days after the date of the decision.

(b) The principles of substantive and procedural due process apply at all stages of the decision-making and review of all zoning decisions.

Section 10. The Township Code is amended by adding Section 110-50.1 as follows:

(60 ILCS 1/110-50.1 new)

Sec. 110-50.1. Actions subject to de novo review; due process.

(a) Any special use, variance, rezoning, or other amendment to a zoning ordinance adopted by the

township board of any township shall be subject to de novo judicial review as a legislative decision, regardless of whether the process of its adoption is considered administrative for other purposes. Any action seeking the judicial review of such a decision shall be commenced not later than 90 days after the date of the decision.

(b) The principles of substantive and procedural due process apply at all stages of the decision-making and review of all zoning decisions.

Section 15. The Illinois Municipal Code is amended by adding Section 11-13-25 as follows:

(65 ILCS 5/11-13-25 new)

Sec. 11-13-25. Actions subject to de novo review; due process.

(a) Any special use, variance, rezoning, or other amendment to a zoning ordinance adopted by the corporate authorities of any municipality, home rule or non-home rule, shall be subject to de novo judicial review as a legislative decision, regardless of whether the process of its adoption is considered administrative for other purposes. Any action seeking the judicial review of such a decision shall be commenced not later than 90 days after the date of the decision.

(b) The principles of substantive and procedural due process apply at all stages of the decision-making and review of all zoning decisions.

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 304. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and printed:

AMENDMENT NO. 1. Amend Senate Bill 304 by replacing everything after the enacting clause with the following:

"Section 5. The Residential Real Property Disclosure Act is amended by changing Section 70 as follows:  
(765 ILCS 77/70)

Sec. 70. Predatory lending database pilot program.

(a) As used in this Article:

"Borrower" means a person seeking a mortgage loan.

"Broker" means a "broker" or "loan broker", as defined in subsection (p) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Closing agent" means an individual assigned by a title insurance company or a broker or originator to ensure that the execution of documents related to the closing of a real estate sale or the refinancing of a real estate loan and the disbursement of closing funds are in conformity with the instructions of the entity financing the transaction.

"Department" means the Department of Financial and Professional Regulation.

"Exempt person" means that term as it is defined in subsections (d)(1) and (d)(1.5) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Lender" means that term as it is defined in subsection (g) of Section 1-4 of the Residential Mortgage License Act.

"Licensee" means that term as it is defined in subsection (e) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Mortgage loan" means that term as it is defined in subsection (f) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Originator" means a "loan originator" as defined in subsection (hh) of Section 1-4 of the Residential Mortgage License Act of 1987, except an exempt person.

"Pilot program area" means all areas within Cook County designated as such by the Department due to the high rate of foreclosure on residential home mortgages that is primarily the result of predatory lending practices. The Department shall designate the pilot program area within 30 days after the effective date of this amendatory Act of the 94th General Assembly.

"Title insurance company" means any domestic company organized under the laws of this State for the purpose of conducting the business of guaranteeing or insuring titles to real estate and any title insurance company organized under the laws of another State, the District of Columbia, or a foreign government and

authorized to transact the business of guaranteeing or insuring titles to real estate in this State.

(a-5) Inception date. The Secretary of Financial and Professional Regulation shall declare in writing the date of inception of the pilot program. The inception date shall be no later than September 1, 2006, and shall be at least 30 days after the date the Secretary issues a declaration establishing that date. The Secretary's declaration shall be posted on the Department's website, and the Department shall communicate the declaration to affected licensees of the Department. Until the inception date, none of the duties, obligations, contingencies, or consequences of or from the pilot program shall be imposed. The pilot program shall apply to all mortgage applications that are governed by this Article and that are made or taken on or after the inception of the pilot program.

(b) A predatory lending database pilot program is established within the pilot program area, effective upon the inception date established by the Secretary of the Department. The pilot program shall be in effect and operational ~~continue~~ for a total of 4 years ~~after its creation~~ and shall be administered in accordance with Article 3 of this Act. The database created under this program shall be maintained and administered by the Department. The database shall be designed to allow brokers, originators, credit counselors, title insurance companies, and closing agents to submit information to the database online. The database shall not be designed to allow those entities to retrieve information from the database, except as otherwise provided in this Article. Information submitted by the broker or originator to the Department may be used to populate the online form submitted by a credit counselor, title insurance company, or closing agent.

(c) Within 10 days after taking a mortgage application, the broker or originator for any mortgage on residential property within the pilot program area must submit to the predatory lending database all of the information required under Section 72 and any other information required by the Department by rule. Within 7 days after receipt of the information, the Department shall compare that information to credit counseling standards developed by the Department by rule and issue to the borrower and the broker or originator a determination of whether credit counseling is recommended for the borrower. The borrower may not waive credit counseling. If at any time after submitting the information required under Section 72 the broker or originator (i) changes the terms of the loan or (ii) issues a new commitment to the borrower, then, within 5 days thereafter, the broker or originator shall re-submit all of the information required under Section 72 and, within 4 days after receipt of the information re-submitted by the broker or originator, the Department shall compare that information to credit counseling standards developed by the Department by rule and shall issue to the borrower and the broker or originator a new determination of whether credit counseling is recommended for the borrower based on the information re-submitted by the broker or originator.

(d) If the Department recommends credit counseling for the borrower under subsection (c), then the Department shall notify the borrower of all HUD-certified counseling agencies located within the State and direct the borrower to interview with a counselor associated with one of those agencies. Within 10 days after receipt of the notice of HUD-certified counseling agencies, the borrower shall select one of those agencies and shall engage in an interview with a counselor associated with that agency. Within 7 days after interviewing the borrower, the credit counselor must submit to the predatory lending database all of the information required under Section 74 and any other information required by the Department by rule. Any costs associated with credit counseling provided under the pilot program shall be paid by the broker or originator. A credit counselor who in good faith provides counseling services shall not be liable to a broker or originator for civil damages, except for willful or wanton misconduct on the part of the counselor in providing the counseling services.

(e) The broker or originator and the borrower may not take any legally binding action concerning the loan transaction until the later of the following:

(1) the Department issues a determination not to recommend credit counseling for the borrower in accordance with subsection (c); or

(2) the Department issues a determination that credit counseling is recommended for the borrower and the credit counselor submits all required information to the database in accordance with subsection (d).

(f) Within 10 days after closing, the title insurance company or closing agent must submit to the predatory lending database all of the information required under Section 76 and any other information required by the Department by rule.

(g) The ~~Upon recording the mortgage, the~~ title insurance company or closing agent shall attach to the mortgage ~~must simultaneously file with the recorder~~ a certificate of its compliance with the requirements of this Article, as generated by the database. If the title insurance company or closing agent fails to ~~attach file~~ the certificate of compliance, then the mortgage is not recordable. In addition, if any lis pendens for a

residential mortgage foreclosure is recorded on the property within the pilot program area, a certificate of service must be simultaneously recorded that affirms that a copy of the lis pendens was filed with the Department. If the certificate of service is not recorded, then the lis pendens pertaining to the residential mortgage foreclosure in question is not recordable and is of no force and effect.

(h) All information provided to the predatory lending database under the program is confidential and is not subject to disclosure under the Freedom of Information Act, except as otherwise provided in this Article. Any borrower may authorize in writing the release of database information. The Department may use the information in the database without the consent of the borrower: (i) for the purposes of administering and enforcing the pilot program; (ii) to provide relevant information to a credit counselor providing credit counseling to a borrower under the pilot program; or (iii) to the appropriate law enforcement agency or the applicable administrative agency if the database information demonstrates criminal, fraudulent, or otherwise illegal activity.

(i) Nothing in this Article is intended to prevent a borrower from making his or her own decision as to whether to proceed with a transaction.

(j) Any person who violates any provision of this Article commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(k) Not later than one year after the Department designates the pilot program area and annually thereafter during the existence of the pilot program, the Department shall report to the Governor and to the General Assembly concerning its administration and the effectiveness of the pilot program.

(Source: P.A. 94-280, eff. 1-1-06.)."

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 185. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and printed:

AMENDMENT NO. 1. Amend Senate Bill 185 by replacing everything after the enacting clause with the following:

"Section 5. The Metropolitan Water Reclamation District Act is amended by changing Section 4 as follows:

(70 ILCS 2605/4) (from Ch. 42, par. 323)

Sec. 4. The commissioners elected under this Act constitute a board of commissioners for the district by which they are elected, which board of commissioners is the corporate authority of the sanitary district, and, in addition to all other powers specified in this Act, shall establish the policies and goals of the sanitary district. The general superintendent, in addition to all other powers specified in this Act, shall manage and control all the affairs and property of the sanitary district and shall regularly report to the Board of Commissioners on the activities of the sanitary district in executing the policies and goals established by the board. At the regularly scheduled meeting of odd numbered years following the induction of new commissioners the board of commissioners shall elect from its own number a president and a vice-president to serve in the absence of the president, and the chairman of the committee on finance. The board shall provide by rule when a vacancy occurs in the office of the president, vice-president, or the chairman of the committee on finance and the manner of filling such vacancy.

The board shall appoint from outside its own number the general superintendent and treasurer for the district.

The general superintendent must be a resident of the sanitary district and a citizen of the United States. He must be selected solely upon his administrative and technical qualifications and without regard to his political affiliations.

In the event of illness or other prolonged absence, death or resignation creating a vacancy in the office of the general superintendent, or treasurer, the board of commissioners may appoint an acting officer from outside its own number, to perform the duties and responsibilities of the office during the term of the absence or vacancy.

The general superintendent with the advice and consent of the board of commissioners, shall appoint the chief engineer, chief of maintenance and operations, director of personnel, purchasing agent, clerk, attorney, director of research and development, and director of information technology. These constitute



the heads of the Department of Engineering, Maintenance and Operations, Personnel, Purchasing, Finance, Law, Research and Development, and Information Technology, respectively. No other departments or heads of departments may be created without subsequent amendment to this Act. All such department heads are under the direct supervision of the general superintendent.

The director of personnel must be qualified under Section 4.2a of this Act.

The purchasing agent must be selected in accordance with Section 11.16 of this Act.

In the event of illness or other prolonged absence, death or resignation creating a vacancy in the office of chief engineer, chief of maintenance and operations, director of personnel, purchasing agent, clerk, attorney, director of research and development, or director of information technology, the general superintendent shall appoint an acting officer to perform the duties and responsibilities of the office during the term of the absence or vacancy. Any such officers appointed in an acting capacity are under the direct supervision of the general superintendent.

All appointive officers and acting officers shall give bond as may be required by the board.

The general superintendent, treasurer, acting general superintendent and acting treasurer hold their offices at the pleasure of the board of commissioners.

The acting chief engineer, acting chief of maintenance and operations, acting purchasing agent, acting director of personnel, acting clerk, acting attorney, acting director of research and development, and acting director of information technology hold their offices at the pleasure of the general superintendent.

The chief engineer, chief of maintenance and operations, director of personnel, purchasing agent, clerk, attorney, director of research and development, and director of information technology may be removed from office for cause by the general superintendent. Prior to removal, such officers are entitled to a public hearing before the general superintendent at which hearing they may be represented by counsel. Before the hearing, the general superintendent shall notify the board of commissioners of the date, time, place and nature of the hearing.

In addition to the attorney appointed by the general superintendent, the board of commissioners may appoint from outside its own number an attorney, or retain counsel, to advise the board of commissioners with respect to its powers and duties and with respect to legal questions and matters of policy for which the board of commissioners is responsible.

The general superintendent is the chief administrative officer of the district, has supervision over and is responsible for all administrative and operational matters of the sanitary district including the duties of all employees which are not otherwise designated by law, and is the appointing authority as specified in Section 4.11 of this Act.

The board, through the budget process, shall ~~set fix~~ the compensation of all the officers and employees of the sanitary district. Any incumbent of the office of president may appoint an administrative aide which appointment remains in force during his incumbency unless revoked by the president.

Effective upon the election in January, 1985 of the president and vice-president of the board of commissioners and the chairman of the committee on finance, the annual salary of the president shall be \$37,500 and shall be increased to \$39,500 in January, 1987, \$41,500 in January, 1989, \$50,000 in January, 1991, and \$60,000 in January, 2001; the annual salary of the vice-president shall be \$35,000 and shall be increased to \$37,000 in January, 1987, \$39,000 in January, 1989, \$45,000 in January, 1991, and \$55,000 in January, 2001; the annual salary of the chairman of the committee on finance shall be \$32,500 and shall be increased to \$34,500 in January, 1987, \$36,500 in January, 1989, \$45,000 in January, 1991, and \$55,000 in January, 2001.

The annual salaries of the other members of the Board shall be as follows:

For the three members elected in November, 1980, \$26,500 per annum for the first two years of the term; \$28,000 per annum for the next two years of the term and \$30,000 per annum for the last two years.

For the three members elected in November, 1982, \$28,000 per annum for the first two years of the term and \$30,000 per annum thereafter.

For members elected in November, 1984, \$30,000 per annum.

For the three members elected in November, 1986, \$32,000 for each of the first two years of the term, \$34,000 for each of the next two years and \$36,000 for the last two years;

For three members elected in November, 1988, \$34,000 for each of the first two years of the term and \$36,000 for each year thereafter.

For members elected in November, 1990, 1992, 1994, 1996, or 1998, \$40,000.

For members elected in November, 2000 and thereafter, \$50,000.

Notwithstanding the other provisions of this Section, the board, prior to January 1, 2007 and with a two-thirds vote, may increase the annual rate of compensation at a separate flat amount for each of the

following: the president, the vice-president, the chairman of the committee on finance, and the other members; the increased annual rate of compensation shall apply to all such officers and members whose terms as members of the board commence after the increase in compensation is adopted by the board.

The board of commissioners has full power to pass all necessary ordinances, orders, rules, resolutions and regulations for the proper management and conduct of the business of the board of commissioners and the corporation and for carrying into effect the object for which the sanitary district is formed. All ordinances, orders, rules, resolutions and regulations passed by the board of commissioners must, before they take effect, be approved by the president of the board of commissioners. If he approves thereof, he shall sign them, and such as he does not approve he shall return to the board of commissioners with his objections in writing at the next regular meeting of the board of commissioners occurring after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance. If the veto extends to a part of such ordinance, the residue takes effect. If the president of such board of commissioners fails to return any ordinance, order, rule, resolution or regulation with his objections thereto in the time required, he is deemed to have approved it, and it takes effect accordingly. Upon the return of any ordinance, order, rule, resolution, or regulation by the president, the vote by which it was passed must be reconsidered by the board of commissioners, and if upon such reconsideration two-thirds of all the members agree by yeas and nays to pass it, it takes effect notwithstanding the president's refusal to approve thereof.

It is the policy of this State that all powers granted, either expressly or by necessary implication, by this Act or any other Illinois statute to the District may be exercised by the District notwithstanding effects on competition. It is the intention of the General Assembly that the "State action exemption" to the application of federal antitrust statutes be fully available to the District to the extent its activities are authorized by law as stated herein.

(Source: P.A. 91-722, eff. 6-2-00.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was held on the order of Second Reading.

Having been printed, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 585, 623, 848 and 857.

SENATE BILL 859. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Elementary & Secondary Education, adopted and printed:

AMENDMENT NO. 1. Amend Senate Bill 859 on page 2, lines 15 through 17, by deleting "Prior to the hearing, however, the individual may be suspended from his or her duties if it is deemed necessary for the safety of students".

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

Having been printed, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 927.

Having been printed, the following bill was taken up, read by title a second time and held on the order of Second Reading: SENATE BILL 946.

Having been printed, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 1001 and 1144.

Having been printed, the following bill was taken up, read by title a second time and held on the order of Second Reading: SENATE BILL 1520.

SENATE BILL 2202. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Elementary & Secondary Education, adopted and printed:

AMENDMENT NO. 1. Amend Senate Bill 2202 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 21-2.1 as follows:

(105 ILCS 5/21-2.1) (from Ch. 122, par. 21-2.1)

Sec. 21-2.1. Early childhood certificate.

(a) An early childhood certificate shall be valid for 4 years for teaching children up to 6 years of age, exclusive of children enrolled in kindergarten, in facilities approved by the State Superintendent of Education. Beginning July 1, 1988, such certificate shall be valid for 4 years for Teaching children through grade 3 in facilities approved by the State Superintendent of Education. Subject to the provisions of Section 21-1a, it shall be issued to persons who have graduated from a recognized institution of higher learning with a bachelor's degree and with not fewer than 120 semester hours including professional education or human development or, until July 1, 1992, to persons who have early childhood education instruction and practical experience involving supervised work with children under 6 years of age or with children through grade 3. Such persons shall be recommended for the early childhood certificate by a recognized institution as having completed an approved program of preparation which includes the requisite hours and academic and professional courses and practical experience approved by the State Superintendent of Education in consultation with the State Teacher Certification Board. The student teaching portion of such practical experience may be satisfied through placement in any of grades pre-kindergarten (which consists of children from 3 years through 5 years of age) through 3, provided that the student is under the active supervision of a cooperating teacher who is certified and qualified in early childhood education. Paraprofessionals with at least one year of experience in a school or community-based early childhood setting who are enrolled in early-childhood teacher preparation programs may be paid and receive credit while student teaching with their current employer, provided that their student teaching experience meets the requirements of their early-childhood teacher preparation program.

(b) Beginning February 15, 2000, Initial and Standard Early Childhood Education Certificates shall be issued to persons who meet the criteria established by the State Board of Education.

(Source: P.A. 90-548, eff. 1-1-98; 90-811, eff. 1-26-99; 91-102, eff. 7-12-99.)"

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 2328. Having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Human Services, adopted and printed:

AMENDMENT NO. 1. Amend Senate Bill 2328 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-2 as follows:

(305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

Sec. 5-2. Classes of Persons Eligible. Medical assistance under this Article shall be available to any of the following classes of persons in respect to whom a plan for coverage has been submitted to the Governor by the Illinois Department and approved by him:

1. Recipients of basic maintenance grants under Articles III and IV.

2. Persons otherwise eligible for basic maintenance under Articles III and IV but who fail to qualify thereunder on the basis of need, and who have insufficient income and resources to meet the costs of necessary medical care, including but not limited to the following:

(a) All persons otherwise eligible for basic maintenance under Article III but who

fail to qualify under that Article on the basis of need and who meet either of the following

requirements:

(i) their income, as determined by the Illinois Department in accordance with any federal requirements, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size; or

(ii) their income, after the deduction of costs incurred for medical care and for other types of remedial care, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, of the nonfarm income official poverty line, as defined in item (i) of this subparagraph (a).

(b) All persons who would be determined eligible for such basic maintenance under Article IV by disregarding the maximum earned income permitted by federal law.

3. Persons who would otherwise qualify for Aid to the Medically Indigent under Article VII.

4. Persons not eligible under any of the preceding paragraphs who fall sick, are injured, or die, not having sufficient money, property or other resources to meet the costs of necessary medical care or funeral and burial expenses.

5.(a) Women during pregnancy, after the fact of pregnancy has been determined by medical diagnosis, and during the 60-day period beginning on the last day of the pregnancy, together with their infants and children born after September 30, 1983, whose income and resources are insufficient to meet the costs of necessary medical care to the maximum extent possible under Title XIX of the Federal Social Security Act.

(b) The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 5(a) by April 1, 1990. Such plan shall provide ambulatory prenatal care to pregnant women during a presumptive eligibility period and establish an income eligibility standard that is equal to 133% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size, provided that costs incurred for medical care are not taken into account in determining such income eligibility.

(c) The Illinois Department may conduct a demonstration in at least one county that will provide medical assistance to pregnant women, together with their infants and children up to one year of age, where the income eligibility standard is set up to 185% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget. The Illinois Department shall seek and obtain necessary authorization provided under federal law to implement such a demonstration. Such demonstration may establish resource standards that are not more restrictive than those established under Article IV of this Code.

6. Persons under the age of 18 who fail to qualify as dependent under Article IV and who have insufficient income and resources to meet the costs of necessary medical care to the maximum extent permitted under Title XIX of the Federal Social Security Act.

7. Persons who are under 21 years of age and would qualify as disabled as defined under the Federal Supplemental Security Income Program, provided medical service for such persons would be eligible for Federal Financial Participation, and provided the Illinois Department determines that:

(a) the person requires a level of care provided by a hospital, skilled nursing facility, or intermediate care facility, as determined by a physician licensed to practice medicine in all its branches;

(b) it is appropriate to provide such care outside of an institution, as determined by a physician licensed to practice medicine in all its branches;

(c) the estimated amount which would be expended for care outside the institution is not greater than the estimated amount which would be expended in an institution.

8. Persons who become ineligible for basic maintenance assistance under Article IV of this Code in programs administered by the Illinois Department due to employment earnings and persons in assistance units comprised of adults and children who become ineligible for basic maintenance assistance under Article VI of this Code due to employment earnings. The plan for coverage for this class of persons shall:

(a) extend the medical assistance coverage for up to 12 months following termination of basic maintenance assistance; and  
 (b) offer persons who have initially received 6 months of the coverage provided in paragraph (a) above, the option of receiving an additional 6 months of coverage, subject to the following:

- (i) such coverage shall be pursuant to provisions of the federal Social Security Act;
- (ii) such coverage shall include all services covered while the person was eligible for basic maintenance assistance;
- (iii) no premium shall be charged for such coverage; and
- (iv) such coverage shall be suspended in the event of a person's failure without good cause to file in a timely fashion reports required for this coverage under the Social Security Act and coverage shall be reinstated upon the filing of such reports if the person remains otherwise eligible.

9. Persons with acquired immunodeficiency syndrome (AIDS) or with AIDS-related conditions with respect to whom there has been a determination that but for home or community-based services such individuals would require the level of care provided in an inpatient hospital, skilled nursing facility or intermediate care facility the cost of which is reimbursed under this Article. Assistance shall be provided to such persons to the maximum extent permitted under Title XIX of the Federal Social Security Act.

10. Participants in the long-term care insurance partnership program established under the Partnership for Long-Term Care Act who meet the qualifications for protection of resources described in Section 25 of that Act.

11. Persons with disabilities who are employed and eligible for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as provided by the Illinois Department by rule.

12. Subject to federal approval, persons who are eligible for medical assistance coverage under applicable provisions of the federal Social Security Act and the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000. Those eligible persons are defined to include, but not be limited to, the following persons:

- (1) persons who have been screened for breast or cervical cancer under the U.S. Centers for Disease Control and Prevention Breast and Cervical Cancer Program established under Title XV of the federal Public Health Services Act in accordance with the requirements of Section 1504 of that Act as administered by the Illinois Department of Public Health; and
- (2) persons whose screenings under the above program were funded in whole or in part by funds appropriated to the Illinois Department of Public Health for breast or cervical cancer screening.

"Medical assistance" under this paragraph 12 shall be identical to the benefits provided under the State's approved plan under Title XIX of the Social Security Act. The Department must request federal approval of the coverage under this paragraph 12 within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

13. Subject to appropriation and to federal approval, persons living with HIV/AIDS who are not otherwise eligible under this Article and who qualify for services covered under Section 5-5.04 as provided by the Illinois Department by rule.

14. Subject to the availability of funds for this purpose, the Department may provide coverage under this Article to persons who reside in Illinois who are not eligible under any of the preceding paragraphs and who meet the income guidelines of paragraph 2(a) of this Section and (i) have an application for asylum pending before the federal Department of Homeland Security or on appeal before a court of competent jurisdiction and are represented either by counsel or by an advocate accredited by the federal Department of Homeland Security and employed by a not-for-profit organization in regard to that application or appeal, or (ii) are receiving services through a federally funded torture treatment center. Medical coverage under this paragraph 14 may be provided for up to 24 continuous months from the initial eligibility date so long as an individual continues to satisfy the criteria of this paragraph 14. If an individual has an appeal pending regarding an application for asylum before the Department of Homeland Security, eligibility under this paragraph 14 may be extended until a final decision is rendered on the appeal. The Department may adopt rules governing the implementation of this paragraph 14.

The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 7 as soon as possible after July 1, 1984.

The eligibility of any such person for medical assistance under this Article is not affected by the payment of any grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The Department shall by rule establish the amounts of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program. The amount of assets of a single person to be disregarded shall not be less than \$2,000, and the amount of assets of a married couple to be disregarded shall not be less than \$3,000.

To the extent permitted under federal law, any person found guilty of a second violation of Article VIIIA shall be ineligible for medical assistance under this Article, as provided in Section 8A-8.

The eligibility of any person for medical assistance under this Article shall not be affected by the receipt by the person of donations or benefits from fundraisers held for the person in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits.

(Source: P.A. 93-20, eff. 6-20-03; 94-629, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect upon becoming law."

AMENDMENT NO. 2. Amend Senate Bill 2328, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, line 5, after "Section 5-2", by inserting "and adding Section 12-4.103a"; and

on page 8, after line 12, by inserting the following:

"(305 ILCS 5/12-4.103a new)

Sec. 12-4.103a. Assets for Independence Program.

(a) Program established. Subject to available funding and receipt of a federal Assets for Independence grant award, the Department of Human Services shall establish and administer an Assets for Independence Program (Program). The Program shall be established in accordance with the terms of the Assets for Independence Act (AFIA) as now and hereafter amended (Title IV Community Opportunities, Accountability, and Training and Educational Services Act as amended, Public Law 105-285, 42 U.S.C. 604 note).

(b) Assets for Independence Fund. The Assets for Independence Fund is established. The Fund shall be held by the Secretary or his or her designee as ex-officio custodian thereof separate and apart from all other State funds. The Assets for Independence Fund is authorized to receive grants under AFIA, State moneys appropriated for the Program, and moneys from voluntary donations from individuals, foundations, corporations, and other sources. Moneys in the Assets for Independence Fund shall not be commingled with other State funds, but they shall be deposited as required by law and maintained in a separate account on the books of a savings and loan association, bank, or other qualified financial institution. All interest earnings on amounts within the Assets for Independence Fund shall accrue to the Assets for Independence Fund and shall be used in accordance with the terms of the AFIA. Administrative expenses related to the Program, including the provision of financial education to Program participants, shall be paid from the Assets for Independence Fund in accordance with the terms of AFIA Section 707(c)(3).

(c) Program purpose. The purpose of the Program is to allow eligible low-income Illinois citizens, subject to the availability of State and federal funds and authorization from the Department, to open and maintain an Individual Development Account (IDA) at a federally insured financial institution. Deposits into an IDA that are used for subsequent qualified purchases shall be matched dollar-for-dollar by moneys from the Assets for Independence Fund. Not more than \$2,000 of moneys from the Assets for Independence Fund shall be provided to any one individual. Not more than \$4,000 of moneys from the Assets for Independence Fund shall be provided to any one household. Assets for Independence Fund moneys not being used to administer the Program shall be used only for qualified purchases, shall be distributed only directly to the vendor of a qualified purchase, and shall require the authorization by signature of the Department's chief financial officer.

(d) Contributions to IDA and use of moneys. An individual may make contributions to his or her IDA only from earned income as defined in Section 911(d)(2) of the Internal Revenue Code of 1986. The moneys deposited into an IDA shall not be commingled with any Assets for Independence Fund moneys. An IDA holder shall have a 36-month period, beginning on the date the Department authorizes the holder to open the IDA, within which to make a qualified purchase. If a qualified purchase is not made within that 36-month period, Assets for Independence Fund moneys earmarked for that individual shall be released, and the Department shall authorize another eligible person to open an IDA. Under no circumstances, and at

no time, shall an IDA holder lose the ability to withdraw moneys from his or her IDA.

(e) Qualified purchases. A qualified asset purchase using moneys from an IDA shall be defined in accordance with AFIA Section 404(8) and shall be one or more of the following:

(1) Payment of post-secondary education expenses, if the expenses are paid directly to an eligible educational institution.

(2) Acquisition of a principal residence, if the individual is buying a home for the first time and if the funds are paid directly to the person to whom the amounts required for the purchase are due.

(3) Financing of business capitalization expenses, if the funds are paid directly into a business capitalization account at a federally insured financial institution and are restricted to use solely for qualified business capitalization expenses.

(f) Program eligibility. Program eligibility shall be established by the Department in accordance with AFIA Section 408. Persons eligible to open an IDA and to receive Assets for Independence Fund moneys are Illinois citizens currently residing in Illinois who are (i) able to demonstrate that they are currently eligible for assistance under the State's Temporary Assistance for Needy Families program or (ii) able to demonstrate that the adjusted gross income of their household in the calendar year preceding the determination of eligibility was equal to or less than 200% of the poverty line, as determined by the Federal Office of Management and Budget. An individual must further demonstrate that the net worth of his or her household, as of the end of the calendar year preceding the determination of eligibility, does not exceed \$10,000, as determined by AFIA Section 408(2)(B). Notwithstanding any other provision of State law, moneys in an Individual Development Account, including accrued interest and matching deposits, shall be disregarded for the purpose of determining the eligibility and benefit levels under this Code in the case of the individual establishing the IDA with respect to any period during which the individual maintains or makes contributions into the IDA. The Department shall approve an individual to open an IDA at a federally insured financial institution upon determining, based on the individual's application, that all eligibility criteria are met and subject to the availability of \$2,000 in Assets for Independence Fund moneys."

There being no further amendments, the foregoing Amendments numbered 1 and 2 were adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 2330. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and printed:

AMENDMENT NO. 1. Amend Senate Bill 2330 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Blind Vendors Act.

Section 5. Definitions. As used in this Act:

"Blind licensee" means a blind person licensed by the Department to operate a vending facility on State, federal, or other property.

"Blind person" means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye, or by an optometrist, whichever the individual shall select.

"Building" means only the portion of a structure owned or leased by the State or any State agency.

"Cafeteria" means a food dispensing facility capable of providing a broad variety of prepared foods and beverages (including hot meals) primarily through the use of a line where the customer serves himself or herself from displayed selections. A cafeteria may be fully automatic or some limited waiter or waitress service may be available and provided within a cafeteria and table or booth seating facilities are always provided.

"Committee" means the Illinois Committee of Blind Vendors, an independent representative body for blind vendors established by the federal Randolph-Sheppard Act.

"Department" means the Department of Human Services.

"Director" means the Bureau Director of the Bureau for the Blind in the Department of Human Services.

"Federal property" means any structure, land, or other real property owned, leased, or occupied by any department, agency or instrumentality of the United States (including the Department of Defense and the

U.S. Postal Service), or any other instrumentality wholly owned by the United States, or by any department or agency of the District of Columbia or any territory or possession of the United States.

"License" means a written instrument issued by the Department to a blind person, authorizing such person to operate a vending facility on State, federal, or other property.

"Net proceeds" means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses (excluding any set-aside charges required to be paid by the blind vendors).

"Normal working hours" means an 8 hour work period between the approximate hours of 8:00 a.m. to 6:00 p.m., Monday through Friday.

"Other property" means property that is not State or federal property and on which vending facilities are established or operated by the use of any funds derived in whole or in part, directly or indirectly, from the operation of vending facilities on any State or federal property.

"Secretary" means the Secretary of Human Services.

"Set-aside funds" means funds that accrue to the Department from an assessment against the net income of each vending facility in the State's vending facility program and any income from vending machines on State or federal property that accrues to the Department.

"State agency" means any department, board, commission, or agency created by the Constitution or Public Act, whether in the executive, legislative, or judicial branch.

"State property" means all property owned, leased, or rented by any State agency. For purposes of this Act, "State property" does not include property owned or controlled by a unit of local government or school district.

"Vending facility" means automatic vending machines, snack bars, cart service, counters, rest areas, and such other appropriate auxiliary equipment that may be operated by blind vendors and that is necessary for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages, and notions dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, and including the vending and payment of any lottery tickets or shares authorized by State law and conducted by a State agency within the State. Vending facility does not include cafeterias, restaurants, or the Department of Corrections' non-vending machine commissaries.

"Vending machine", for the purpose of assigning vending machine income under this Act, means a coin or currency operated machine that dispenses articles or services, except that those machines operated by the United States Postal Service for the sale of postage stamps or other postal products and services, machines providing services of a recreational nature, and telephones shall not be considered to be vending machines.

"Vending machine income" means the commissions or fees paid to the State from vending machine operations on State property where the machines are operated, serviced, or maintained by, or with the approval of, a State agency by a commercial or not-for-profit vending concern that operates, services, and maintains vending machines.

"Vendor" means a blind licensee who is operating a vending facility on State, federal, or other property.

#### Section 10. Business Enterprise Program for the Blind.

(a) The Business Enterprise Program for the Blind is created for the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting. In order to achieve these goals blind persons licensed under this Act shall be authorized to operate vending facilities on any property within this State as provided by this Act.

It is the intent of the General Assembly that the Randolph-Sheppard Act, 20 USC Sections 107-107f, and the federal regulations for its administration set forth in Part 395 of Title 34 of the Code of Federal Regulations, shall serve as a model for minimum standards for the operation of the Business Enterprise Program for the Blind. The federal Randolph-Sheppard Act provides employment opportunities for individuals who are blind or visually impaired through the Business Enterprise Program for the Blind. Under the Randolph-Sheppard Act, all federal agencies are required to give priority to licensed blind vendors in the operation of vending facilities on federal property. It is the intent of this Act to provide the same priority to licensed blind vendors on State property by requiring State agencies to give priority to licensed blind vendors in the operation of vending facilities on State property and preference to licensed blind vendors in the operation of cafeteria facilities on State property. Furthermore it is the intent of this Act that all State agencies, particularly the Department of Central Management Services, promote and advocate for the Business Enterprise Program for the Blind.

(b) The Secretary, through the Director, shall continue, maintain, and promote the Business Enterprise Program for the Blind. Some or all of the functions of the program may be provided by the Department of



Human Services. The Business Enterprise Program for the Blind must provide that:

- (1) priority is given to blind vendors in the operation of vending facilities on State property;
  - (2) tie bid preference is given to blind vendors in the operation of cafeterias on State property, unless the cafeteria operations are operated by employees of a State agency;
  - (3) vending machine income from all vending machines on State property is assigned as provided for by Section 30 of this Act;
  - (4) no State agency may impose any commission, service charge, rent, or utility charge on a licensed blind vendor who is operating a vending facility on State property; and
  - (5) vending facilities operated by the Program use reasonable and necessary means and methods to maintain fair market pricing in relation to each facility's given demographic, geographic, and other circumstances.
- (c) With respect to vending facilities on federal property within this State, priority shall be given as provided in the federal Randolph-Sheppard Act, 20 USC Sections 107-107f, including any amendments thereto. This Act, as it applies to federal property, is intended to conform to the federal Act, and is to be of no force or effect if, and to the extent that, any provision of this Act or any rule adopted under this Act is in conflict with the federal Act. Nothing in this subsection shall be construed to impose limitations on the operation of vending facilities on State property, or property other than federal property, or to allow only those activities specifically enumerated in the Randolph-Sheppard Act.
- (d) The Secretary shall actively pursue all commissions from vending facilities not operated by blind vendors as provided in Section 30 of this Act, and shall propose new placements of vending facilities on State property where a facility is not yet in place.
- (e) Partnerships and teaming arrangements between blind vendors and private industry, including franchise operations, shall be fostered and encouraged by the Department.

#### Section 15. Vending facilities on State property.

(a) In order to ensure that priority is given to blind vendors in the operation of vending facilities on State property as provided in Section 10, the Secretary, directly or by delegation to the Director, and the Committee shall jointly develop rules to ensure the following:

- (1) That priority is given to blind persons licensed under this Act or under its predecessor Act (the Blind Persons Operating Vending Facilities Act 20 ILCS 2420/), including the assignment of vending machine income as provided in this Act.
- (2) That one or more vending facilities shall be established on all State property to the extent feasible. Where a larger vending facility is determined by the Director and the Committee to be infeasible, every effort shall be made to place vending machines on the property whenever possible. The Director and the Committee shall take into account the following criteria when determining whether establishment of a vending facility is feasible:
  - (A) the number of State employees, visitors, and other potential facility customers on the property in a given period;
  - (B) the size, in square feet, of the area owned, leased, occupied, or otherwise controlled by the State;
  - (C) the duration the property is expected to be leased or occupied by the State;
  - (D) whether establishment of a vending facility would adversely affect the interests of the State; and
  - (E) the likelihood that the vending facility would produce an adequate net income for a blind vendor as determined by the average income of all blind vendors in the State.

(b) Any determination by the Director, or by the State agency controlling the property, that the placement or operation of a vending facility is not feasible, or that the placement or operation would adversely affect the interests of the State shall be in writing and shall be transmitted to the Committee for review and ratification or rejection.

(c) The Secretary, through the Director, subject to the rules developed and adopted pursuant to subsection (a) of this Section and the requirements of federal law and regulations, is authorized to select a location for a vending facility and the type of facility to be provided.

(d) Beginning January 1, 2007, all State agencies that:

- (1) undertake to acquire any property, in whole or in part, by ownership, rent, or lease, or that undertake to relocate to any property, shall request a determination from the Director or his or her designee as to whether the new property includes a satisfactory site or sites for the location and operation of a blind vendor vending facility; or

(2) undertake to occupy a building that is to be constructed, substantially altered, or renovated, or in the case of a building that is already occupied by the State agency, undertake to substantially alter or renovate that building for use by the State agency; shall request a determination from the Director or his or her designee as to whether that building includes a satisfactory site or sites for the location and operation of a blind vendor vending facility.

Upon receiving a request for a determination under this subsection (d), the Director or his or her designee and the Committee shall have 10 days in which to notify that requesting State agency as to whether the new property or building is satisfactory or not satisfactory for the operation of a blind vendor vending facility. A site shall be deemed to be a satisfactory site by examining the potential customer base, including, but not limited to, State employees, State contractual employees, and the general public. The determination shall be based upon a site survey or any other reasonable means enabling an accurate assessment of the location. If the property has an existing private vendor, bottler, or vending machine operator, then the property shall be presumed to be a satisfactory site. If the Director, in consultation with the Committee, determines that the number of people using the location is or will be insufficient to support a vending facility, then the Director shall determine the property to be not satisfactory.

Upon a determination by the Director or his or her designee and the Committee that the new property or building is satisfactory for the operation of a blind vendor vending facility, the Director, in consultation with the head of the State agency and in accordance with the rules developed pursuant to subsection (a), shall inform the agency to comply with the priority established for the operation of vending facilities by blind persons under this Act.

(e) All State agencies shall fully cooperate with the Department to ensure that priority is given to blind vendors in the operation of vending facilities on State property. This includes notifying the Department prior to the expiration of existing contracts or agreements for vending facilities or when such contracts or agreements are considered for renewal options. The notification must be given, when feasible, no later than 6 months prior to the potential expiration or renewal of the existing vending facility contract or agreement.

Section 20. Other vending facilities. The governing body of any unit of local government or school board owning property or persons or entities owning or controlling private property are authorized and encouraged to construct or install on the property, or permit the construction or installation of, vending facilities for operation by blind persons licensed under this Act. In constructing or installing these vending facilities, the amount of space allotted for this purpose should be sufficient to adequately serve the number of persons at the site and to provide the kind of services to be rendered.

Section 25. Set-aside funds; Blind Vendors Trust Fund.

(a) The Department may provide, by rule, for set-asides similar to those provided in Section 107d-3 of the Randolph-Sheppard Act. If any funds are set aside, or caused to be set aside, from the net proceeds of the operation of vending facilities by blind vendors, the funds shall be set aside only to the extent necessary in a percentage amount not to exceed that determined jointly by the Director and the Committee and published in State rule, and that these funds may be used only for the following purposes: (1) maintenance and replacement of equipment; (2) purchase of new equipment; (3) construction of new vending facilities; (4) funding the functions of the Committee, including legal and other professional services; and (5) retirement or pension funds, health insurance, paid sick leave, and vacation time for blind licensees, so long as these benefits are approved by a majority vote of all Illinois licensed blind vendors that occurs after the Department provides these vendors with information on all matters relevant to these purposes.

(b) No set-aside funds shall be collected from a blind vendor when the monthly net proceeds of that vendor are less than \$1,000. This amount may be adjusted annually by the Director and the Committee to reflect changes in the cost of living.

(c) The Department shall establish, with full participation by the Committee, the Blind Vendors Trust Fund as a separate account managed by the Department for the State's blind vendors.

(d) Set-aside funds collected from the operation of all vending facilities administered by the Business Enterprise Program for the Blind shall be placed in the Blind Vendors Trust Fund, which shall include set-aside funds from facilities on federal property. The Fund must provide separately identified sub-accounts for moneys from (i) federal and (ii) State and other facilities, as well as vending machine income generated pursuant to Section 30 of this Act. These funds shall be available until expended and shall not revert to the General Revenue Fund or to any other State account.

(e) It is the intent of the General Assembly that the expenditure of set-aside funds authorized by this

Section shall be supplemental to any current appropriation or other moneys made available for these purposes and shall not constitute an offset of any previously existing appropriation or other funding source. In no way shall this imply that the appropriation for the Blind Vendors Program may never be decreased, rather that the new funds shall not be used as an offset.

(f) An amount equal to 10% of the wages paid by a blind vendor to any employee who is blind or otherwise disabled shall be deducted from any set-aside charge paid by the vendor each month, in order to encourage vendors to employ blind and disabled workers and to set an example for industry and government. No deduction shall be made for any employee paid less than the State or federal minimum wage.

#### Section 30. Vending machine income and compliance.

(a) After July 1, 2007, all vending machine income, as defined by this Act, from vending machines on State property shall accrue to (1) the blind vendor operating the vending facilities on the property or (2) in the event there is no blind vendor operating a facility on the property, to the Blind Vendors Trust Fund for use exclusively as set forth in subsection (a) of Section 25 of this Act.

(b) The Secretary, directly or by delegation of authority, shall ensure compliance with this Section and Section 15 of this Act with respect to buildings, installations, facilities, roadside rest stops, and any other State property, and shall be responsible for the collection of, and accounting for, all vending machine income on this property. The Secretary shall enforce these provisions through litigation, arbitration, or any other legal means available to the State, and each State agency in control of this property shall be subject to the enforcement. State agencies or departments failing to comply with an order of the Department may be held in contempt in any court of general jurisdiction.

(c) Any limitation on the placement or operation of a vending machine by a State agency based on a determination that such placement or operation would adversely affect the interests of the State must be explained in writing to the Secretary. The Secretary shall promptly determine whether the limitation is justified. If the Secretary determines that the limitation is not justified, the State agency seeking the limitation shall immediately remove the limitation.

(d) The amount of vending machine income accruing from vending machines on State property that may be used for the functions of the Committee shall be determined annually by a two-thirds vote of the Committee, except that no more than 25% of the annual vending machine income may be used by the Committee for this purpose, based upon the income accruing to the Blind Vendors Trust Fund in the preceding year. The Committee may establish its budget and expend funds through contract or otherwise without the approval of the Department.

#### Section 40. Licenses.

(a) Licenses shall be issued only to blind persons who are qualified to operate vending facilities. The continuing eligibility of a vendor as a blind person shall be reviewed biennially for partially sighted individuals or whenever the Director has information indicating the vendor is no longer blind as defined under this Act.

(b) Following agreement by the Secretary, the Director, and the Committee, the Secretary shall adopt and publish rules providing for (1) the requirements for licensure as a blind vendor; (2) a curriculum for training, in-service training, and upward mobility training for blind vendors; and (3) a regular schedule for offering the training, classes to be offered at least once per year.

(c) Each license issued pursuant to this Section shall be for an indefinite period as described by rule. The license of a blind vendor may be terminated or suspended for good cause, but only after affording the licensee an opportunity for a full and fair hearing in accordance with the provisions of this Act.

#### Section 45. Committee of Blind Vendors.

(a) The Secretary, through the Director, shall provide for the biennial election of the Committee, which shall be fully representative of all blind licensees in the State. There shall be no fewer than one Committee member for each 15 licensed blind vendors in the State.

(b) The Committee is empowered to hire staff; contract for consultants including, but not limited to, legal counsel; set agendas and call meetings; create a constitution and bylaws, subcommittees, and budgets; and do any other thing a not-for-profit organization may do through the use of the Blind Vendors Trust Fund. At the discretion of the Committee major issues may be referred for initial consideration to a subcommittee, or to all blind vendors in order to ascertain their views.

(c) The Secretary shall ensure that the Committee jointly participates with the State in the development and implementation of all policies, plans, program development, and major administrative and management decisions affecting the Business Enterprise Program for the Blind. The Secretary, through the Director, shall provide to the Committee all relevant financial information and data, including quarterly and annual

financial reports, on the operation of the vending facility program in order that the Committee may fully participate in budget development and formulation, the establishment of set-aside levels, and other program requirements. A copy of all completed audits, reports, and investigations affecting the Business Enterprise Program for the Blind shall be distributed to the Committee in a timely manner. Any implementation of changes in administrative policy or program development that are within the discretion of the Department shall occur only after Committee review.

Section 50. Hearings; arbitration.

(a) Any blind vendor dissatisfied with any act or omission arising from the operation or administration of the vending facility program may submit to the Secretary a request for a full evidentiary hearing. This hearing shall be provided in a timely manner by the Department. Damages, including compensatory damages, attorney's fees, and expenses, must be paid to any operator who prevails in the full evidentiary hearing; however, payment of damages may not be paid from any program funds, the Blind Vendors Trust Fund, or federal rehabilitation funds. If the blind vendor is dissatisfied with any action taken or decision rendered as a result of the hearing, that vendor may file a complaint for arbitration with the Secretary.

(b) If the Secretary determines that any State agency has failed to comply with the requirements of this Act, the Secretary must establish a panel to arbitrate the dispute and the decision of the panel shall be final and binding on the parties. Any arbitration panel convened by the Secretary shall be composed of 3 members, appointed as follows:

(1) one individual appointed by the Secretary;

(2) one individual appointed by the State agency determined by the Secretary to be in noncompliance with the Act; and

(3) one individual, who shall serve as chairperson, jointly designated by the members appointed under items (1) and (2); provided that, if within 30 days following the Secretary's determination of noncompliance either party fails to appoint a panel member, or if the parties are unable to agree on the appointment of the chairperson, the Secretary shall select the final panel member or may designate a hearing officer of the Department who shall preside.

(c) The Secretary may issue a letter of reprimand to a blind vendor who violates program rules or policy. Depending upon the seriousness of the alleged violation, the letter of reprimand may indicate the intention to suspend or terminate the license of the vendor. All reprimand letters shall be sent in a medium accessible by the vendor, and shall be sent by certified mail, return receipt requested. The Secretary must make every reasonable effort to assist the subject vendor to correct the problem for which the vendor is reprimanded. No process to suspend or terminate a license shall be initiated before the vendor is accorded the opportunity for a full evidentiary hearing as provided under subsection (a). A vendor may be summarily removed from a facility only in an emergency.

Section 60. General provisions.

(a) Blind vendors operating vending facilities are subject to the applicable license or permit requirements of the county or municipality in which the facility is located necessary for the conduct of their business.

(b) Vendors licensed pursuant to this Act are authorized to keep guide animals with them while operating vending facilities subject to public health laws and rules.

(c) The Secretary, Director, and the Committee shall cooperate in the development of rules to be promulgated by the Department regarding life standards for vending facility equipment. Such rules shall include, but are not limited to, the life expectancy of equipment; time periods within which equipment should be replaced; exceptions to the replacement time periods for equipment with no service problem history; and replacement schedules for equipment subject to excessive failures not the fault of the vendor.

(d) The Secretary, through the Director, shall assign adequate personnel to carry out duties related to the administration and management of this Act. In selecting personnel to fill any program position under this subsection, the Secretary shall ensure that the Committee has full advance opportunity to review the selections, to submit comments thereon, and to assess the adequacy of staffing levels for the program.

(e) The Secretary shall provide each vendor access to: all financial information, his or her performance ratings, and all other individual personnel documents and data maintained by the Department. This includes providing each vendor a written copy of all rules and policies adopted pursuant to this Act. Upon request, the information shall be furnished in the medium most accessible by the vendor.

(f) The surviving spouse of a current Illinois licensed blind vendor who dies may continue to operate the facility for a period of 6 months following the death of the vendor, provided that the surviving spouse is qualified by experience or training to manage the facility.

(g) The Secretary shall, by rule, require licensed blind vendors to obtain additional training to operate a blind vending facility for State property determined by a State agency to be high security property.

Section 65. Program rules.

(a) The Secretary shall promulgate and adopt necessary rules, and do all things necessary and proper to carry out this Act. The Secretary by delegation shall review these rules with the Committee at least every 3 years.

(b) The rules shall include, but are not limited to, the following: (1) uniform procedures for vendor licensing and termination; (2) criteria and standards for selecting vendors and matching them to facilities to ensure that the most qualified person is selected; (3) equipment life standards and service standards for the inventory, repair, and purchase of equipment; (4) minimum requirements for the establishment of a vending facility; (5) standards for training, in-service training, and upward mobility; and (6) policies and procedures for the collection, deposit, reimbursement, and use of all program income, including vending machine income.

Section 70. Property Survey and Report.

(a) The Department shall survey and report on State property and vending facilities not later than December 31, 2007. The report shall contain the following information:

(1) A list of all State property or other property within the State that does or reasonably could accommodate a vending facility as provided for in this Act or as provided for in the federal Randolph-Sheppard Act.

(2) For the buildings or locations that have vending facilities or vending machines in place, an indication of the facilities operated by licensed blind vendors under the Business Enterprise Program for the Blind and an indication of the facilities operated by private entities.

(3) For the vending facilities or vending machines operated by private entities, an indication of the facilities from which commissions for the Business Enterprise Program for the Blind have been or are being collected.

(4) For the buildings or other property that do not have vending facilities in place, an indication of the locations where a vending facility could appropriately be placed, or the reasons why a vending facility is not feasible in the building or property.

(b) The Department shall obtain all available information and conduct a survey, before June 30 of every odd-numbered year after the effective date of this Act. This survey shall identify but not be limited to the following information:

(1) The number and identity of the buildings owned, leased, acquired, or occupied by the State.

(2) The number and identity of the State buildings where vending facilities or vending machines are located.

(3) The number of employees located in or visiting these buildings during normal working hours.

(4) The usable interior square footage of the building; and

(5) Any other information the Department may determine to be useful in expanding the Business Enterprise Program for the Blind to the maximum extent feasible consistent with the purposes of this Act.

(c) All State agencies controlling State property or parts thereof where vending machines or vending facilities are located must cooperate with the Department by providing information on the vending machines or facilities at those locations. This information shall include, but is not limited to, the terms of contracts for vending, including financial terms, and the disbursement practices for vending machine income. The Department shall incorporate this information in its reports and updates.

(d) The Department shall use the reports and updates mandated by this Section to develop greater opportunities for the placement of blind vendors, to increase vending machine income to the program, and to aid in establishing vending machines and facilities on State property.

(e) The reports and surveys prepared pursuant to this Section shall be provided to the Committee and to the appropriate committees of the General Assembly.

(20 ILCS 2420/Act rep.)

Section 90. The Blind Persons Operating Vending Facilities Act is repealed."

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 2795. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Elementary & Secondary Education, adopted and printed:

AMENDMENT NO. 1. Amend Senate Bill 2795 as follows:

on page 4, line 18, by deleting "17-2, 17-3, 17-5,"; and

on page 46, line 33, after "Article", by inserting "provided that territory comprising at least 51% of the equalized assessed valuation of the high school district is subject to a combined high school and elementary maximum annual authorized tax rate for educational purposes of 4.0% or less"; and

on page 75, lines 20 through 23, by deleting "or, for a unit district, authority to levy taxes for capital improvement purposes at a rate authorized by Section 17-2 of this Code"; and

on page 88, by replacing lines 20 through 32 with the following:

"exceed 3.5%. The rate for grade 9 through 12 educational purposes shall not exceed 3.5%. The combined rate for both grade K through 8 and grade 9 through 12 educational purposes shall not exceed"; and

on page 89, by replacing lines 2 through 25 with the following:

"operations and maintenance purposes shall not exceed 0.55%. The rate for grade 9 through 12 operations and maintenance purposes shall not exceed 0.55%. The combined rate for both grade K through 8 and grade 9 through 12 operations and maintenance purposes shall not exceed 0.75%"; and

on page 89, line 26, by replacing "(4)" with "(3)"; and

on page 89, line 33, by replacing "(5)" with "(4)"; and

on page 89, line 35, by replacing "(6)" with "(5)"; and

on page 90, by deleting lines 7 through 12; and

on page 90, line 13, by replacing "(8)" with "(6)"; and

on page 90, by deleting lines 31 through 33;

on page 90, line 36, by replacing "(4)" with "(3)"; and

on page 91, line 2, by replacing "(5)" with "(4)"; and

on page 91, line 6, by replacing "(6)" with "(5)"; and

on page 91, by replacing lines 17 through 20 with the following:

"(2) of subsection (b) of this Section, and the maximum annual"; and

on page 91, line 22, by replacing "(4)" with "(3)"; and

by deleting line 24 on page 91 through line 20 on page 93; and

on page 93, line 21, by replacing "(e)" with "(d)"; and

by replacing line 24 on page 93 through line 4 on page 94 with the following:

"tax rates for any statutorily authorized purpose up to the maximum rate set forth in subsection (b) of this Section or otherwise applicable to unit school districts as specified elsewhere in statute, whichever is less, subject to the following"; and

on page 94, line 19, by replacing "(e)" with "(d)"; and

on page 94, line 24, by replacing "(e)" with "(d)"; and

on page 94, by deleting lines 25 through 29; and

on page 94, line 30, by replacing "(D)" with "(C)"; and

on page 94, line 32, by replacing "(4)" with "(3)"; and

on page 94, line 34, by replacing "Section" with "subsection (d)"; and

on page 94, line 35, by replacing "(E)" with "(D)"; and

on page 95, line 1, by replacing "(5)" with "(4)"; and

on page 95, line 3, by replacing "(e)" with "(d)"; and

on page 95, line 4, by replacing "(F)" with "(E)"; and

on page 95, line 7, by replacing "(6)" with "(5)"; and

on page 95, line 9, by replacing "Section" with "subsection (d)"; and

on page 95, line 22, by replacing "(e)" with "(d)"; and

on page 95, line 27, by replacing "(e)" with "(d)"; and

on page 95, by deleting lines 28 through 32; and

on page 95, line 33, by replacing "(D)" with "(C)"; and

on page 95, line 35, by replacing "(4)" with "(3)"; and

on page 96, line 1, by replacing "Section" with "subsection (d)"; and

on page 96, line 2, by replacing "(f)" with "(e)"; and

on page 96, line 20, by replacing "(f)" with "(e)"; and

on page 96, line 28, by replacing "(g)" with "(f)"; and

on page 97, line 6, by replacing "(g)" with "(f)"; and  
 on page 97, line 14, by replacing "(g)" with "(f)"; and  
 on page 97, line 20, by replacing "(g)" with "(f)"; and  
 on page 97, line 25, by replacing "(h)" with "(g)"; and  
 on page 97, line 30, by replacing "(h)" with "(g)"; and  
 on page 99, line 2, by replacing "(i)" with "(h)"; and  
 on page 99, line 35, by replacing "(j)" with "(i)"; and  
 on page 100, line 2, by replacing "(4)" with "(3)"; and  
 on page 100, line 5, by replacing "(h)" with "(g)"; and  
 on page 100, line 20, by replacing "(k)" with "(j)"; and  
 on page 100, line 28, by replacing "(l)" with "(k)"; and  
 by deleting line 28 on page 126 through line 7 on page 134.

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading .

SENATE BILL 2796. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Elementary & Secondary Education, adopted and printed:

AMENDMENT NO. 1. Amend Senate Bill 2796 as follows:

on page 23, line 29, by deleting "with leave of the"; and  
 on page 23, line 30, by replacing "An amended request" with "In addition, the party who requested the hearing may amend the request once as a matter of right by filing the amended request within 5 days after filing the initial request. An amended request, other than an amended request as a matter of right,"; and  
 on page 23, line 33, by replacing "the amended request raises" with "an amended request, other than an amended request as a matter of right, raises"; and  
 on page 27, by replacing lines 5 and 6 with the following:  
 "(g-55) All reasonable efforts must be made by the parties to present their respective cases at the hearing within a cumulative period of 7 days. When scheduling hearing dates, the"; and  
 on page 27, line 9, by replacing "The time limits in this" with "This"; and  
 on page 27, line 12, after "case", by inserting "in its entirety"; and  
 on page 30, line 6, by replacing "90 120" with "120"; and  
 on page 39, line 6, after "practice", by inserting "(including without limitation the handling of amended requests)".

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

## RESOLUTION

Having been reported out of the Committee on International Trade & Commerce on April 10, 2006, HOUSE RESOLUTION 1113 was taken up for consideration.

The following amendment was offered in the Committee on International Trade & Commerce, adopted and printed:

AMENDMENT NO. 1. Amend House Resolution 1113 on page 1, by deleting line 23; and  
 on page 2, by deleting lines 10 through 12; and  
 on page 2, by replacing lines 23 through 28 with the following:

"RESOLVED, That we recommend to President Bush that he should discuss with Hu Jintao the harvesting of organs from living Falun Gong practitioners when President Bush meets the head of the Chinese Communist Party in April; and be it further"; and  
 on page 3, by deleting line 1; and  
 on page 3, by inserting below line 6 the following:

"RESOLVED, That we call upon the United Nations, the International Committee of the Red Cross, Amnesty International, or other human rights organizations to each begin an investigation into these atrocities and provide a copy of its investigative report to the United States Congress and to the General Assembly; and be it further"; and  
on page 3, line 10, by inserting after "George W. Bush" the following:  
", the United Nations, the International Committee of the Red Cross, and Amnesty International".

Representative Turner moved the adoption of the resolution, as amended.  
The motion prevailed and the Resolution was adopted, as amended.

### **RECALL**

By unanimous consent, on motion of Representative Flider, SENATE BILL 585 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

### **AGREED RESOLUTIONS**

HOUSE RESOLUTION 1218 was taken up for consideration.  
Representative Miller moved the adoption of the agreed resolution.  
The motion prevailed and the Agreed Resolution was adopted.

### **SENATE BILLS ON SECOND READING**

Having been printed, the following bills were taken up, read by title a second time and held on the order of Second Reading: SENATE BILLS 619, 622 and 2684.

At the hour of 4:15 o'clock p.m., Representative Currie moved that the House do now adjourn.  
The motion prevailed.

And in accordance therewith and pursuant to HOUSE JOINT RESOLUTION 124, the House stood adjourned until Tuesday, April 25, 2006, at 1:00 o'clock p.m.



STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
QUORUM ROLL CALL FOR ATTENDANCE

April 19, 2006

0 YEAS

0 NAYS

99 PRESENT

P Acevedo	P Dugan	P Krause	P Pritchard
E Bassi	P Dunkin	P Lang	P Ramey
P Beaubien	P Dunn	P Leitch	P Reis
P Beiser	E Durkin	P Lindner	P Reitz
P Bellock	P Eddy	E Lyons	P Rita
P Berrios	P Feigenholtz	P Mathias	P Rose
P Biggins	P Flider	P Mautino	P Ryg
P Black	P Flowers	P May	P Sacia
P Boland	P Franks	P McAuliffe	E Saviano
P Bost	P Fritchey	P McCarthy	P Schmitz
P Bradley, John	P Froehlich	E McGuire	P Schock
P Bradley, Richard	P Giles	E McKeon	E Scully
E Brady	P Golar	P Mendoza	P Smith
P Brauer	P Gordon	P Meyer	P Sommer
E Brosnahan	P Graham	P Miller	P Soto
P Burke	P Granberg	P Mitchell, Bill	P Stephens
P Chapa LaVia	P Hamos	P Mitchell, Jerry	P Sullivan
P Chavez	P Hannig	P Moffitt	P Tenhouse
P Churchill	P Hassert	E Molaro	P Tryon
P Collins	P Hoffman	P Mulligan	P Turner
P Colvin	E Holbrook	P Munson	P Verschoore
P Coulson	P Howard	P Myers	P Wait
P Cross	P Hultgren	P Nekritz	P Washington
P Cultra	P Jakobsson	E Osmond	P Watson
P Currie	P Jefferson	E Osterman	P Winters
P D'Amico	P Jenisch	P Parke	E Yarbrough
E Daniels	E Jones	E Patterson	P Younge
P Davis, Monique	P Joyce	P Phelps	P Mr. Speaker
P Davis, William	P Kelly	E Pihos	
P Delgado	E Kosel	P Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4357  
GRANDPARENT VISITATION  
MOTION TO CONCUR IN SENATE AMENDMENT NO. 3  
CONCURRED

April 19, 2006

98 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
E Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	E Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	E Lyons	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	E Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	E McGuire	Y Schock
Y Bradley, Richard	Y Giles	E McKeon	E Scully
E Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
E Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	E Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	E Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	E Osmond	Y Watson
Y Currie	Y Jefferson	E Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	E Yarbrough
E Daniels	E Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	Y Mr. Speaker
A Davis, William	Y Kelly	E Pihos	
Y Delgado	E Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2726  
LINE OF DUTY COMP-ARMED FORCES  
THIRD READING  
PASSED

April 19, 2006

99 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
E Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	E Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	E Lyons	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	E Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	E McGuire	Y Schock
Y Bradley, Richard	Y Giles	E McKeon	E Scully
E Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
E Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	E Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	E Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	E Osmond	Y Watson
Y Currie	Y Jefferson	E Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	E Yarbrough
E Daniels	E Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	E Pihos	
Y Delgado	E Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 3086  
EMINENT DOMAIN-BLIGHT  
THIRD READING  
PASSED

April 19, 2006

## 85 YEAS

## 6 NAYS

## 8 PRESENT

N Acevedo	Y Dugan	N Krause	Y Pritchard
E Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	E Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	E Lyons	P Rita
P Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	E Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	E McGuire	Y Schock
Y Bradley, Richard	Y Giles	E McKeon	E Scully
E Brady	P Golar	N Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
E Brosnahan	Y Graham	Y Miller	P Soto
N Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
P Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
N Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	E Molaro	Y Tryon
Y Collins	Y Hoffman	P Mulligan	Y Turner
Y Colvin	E Holbrook	Y Munson	Y Verschoore
Y Coulson	P Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	E Osmond	Y Watson
Y Currie	Y Jefferson	E Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	E Yarbrough
E Daniels	E Jones	E Patterson	Y Younge
N Davis, Monique	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	E Pihos	
P Delgado	E Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2199  
DASA-NO INTRAGENCY DEPENDENCY BD  
THIRD READING  
PASSED

April 19, 2006

99 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
E Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	E Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	E Lyons	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	E Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	E McGuire	Y Schock
Y Bradley, Richard	Y Giles	E McKeon	E Scully
E Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
E Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	E Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	E Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	E Osmond	Y Watson
Y Currie	Y Jefferson	E Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	E Yarbrough
E Daniels	E Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	E Pihos	
Y Delgado	E Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE JOINT RESOLUTION 111  
JOINT GANG TASK FORCE REPORT  
ADOPTED

April 19, 2006

99 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
E Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	E Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	E Lyons	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	E Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	E McGuire	Y Schock
Y Bradley, Richard	Y Giles	E McKeon	E Scully
E Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
E Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	E Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	E Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	E Osmond	Y Watson
Y Currie	Y Jefferson	E Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	E Yarbrough
E Daniels	E Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	E Pihos	
Y Delgado	E Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE JOINT RESOLUTION 112  
NATL GUARD BLDG-KYLE WEHRLY  
ADOPTED

April 19, 2006

98 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
E Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	E Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	E Lyons	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	E Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	E McGuire	Y Schock
Y Bradley, Richard	Y Giles	E McKeon	E Scully
E Brady	A Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
E Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	E Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	E Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	E Osmond	Y Watson
Y Currie	Y Jefferson	E Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	E Yarbrough
E Daniels	E Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	E Pihos	
Y Delgado	E Kosel	Y Poe	

E - Denotes Excused Absence